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**Exclusion and Authoritarianism in Iraq: Explaining the Limits of
Institutional Design and Ethnic Conflict Management in a Divided
Society**

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Ph.D.

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Thesis Declaration

This is to certify that the work contained within has been composed by me and is entirely my own work. No part of this thesis has been submitted for any other degree or professional qualification.

Abstract

This dissertation seeks to explain and ascertain the relationship between state institutions and ethnic conflict in Iraq. The central argument is that institutions matter, and a divided society's early institutional setup during the critical period of state formation and statebuilding determines that state's sequential response to subsequent group conflict. Contextualizing the role of state institutions alongside ethnic elite behaviour facilitates the development of a nuanced understanding of the interplay between the state and its divided society. As a theory-building endeavour, the dissertation identifies the conditions under which groups grievances are advanced, the processes that lead to their mobilization, and the institutional constraints that shape their trajectory. By identifying historically-contingent causal links during critical junctures and under more gradual processes of change that generate cumulative effects and patterns of ethnic dominance, we observe that ethnic elites and institutions determine the parameters of ethnic dominance and re-dominance of the state during critical statebuilding periods where more inclusive governing options would have increased inter-ethnic cooperation and cohesion. In doing so, it explicates the causal mechanisms linking institutional design and ethnic conflict in divided, post-colonial states.

I posit that ethnic conflict in divided societies emerges as a process rather than an abrupt rupture in the state's structural and institutional composition. Specifically, as a social process, it unfolds overtime, at varying speeds, and with divergent outcomes in a given state and within a given institutional context. This process is preconditioned by the presence of two interdependent variables at the time of state formation and throughout

various statebuilding periods—authoritarianism and exclusion that produce and reproduce patterns of ethnic dominance. Conceptualizing the effects of these variables requires a temporal analysis of their development overtime and in a given institutional setting. In the case of Iraq, the state’s institutional response to discord has played a decisive role in moulding ethnic and religious mobilization and patterns of ethnic dominance in response to exclusion and authoritarian governance during three critical junctures—1920 as a result of exogenous state formation and state building by Britain; 1958 with the coup d’état and the birth of the republic, culminating in the Ba’thist takeover in 1968 that cemented autocratic single-party rule; and, finally, post-2003 resulting in state reformulation and exogenously imposed democratization that has produced a stagnating state.

The dissertation applies both qualitative and quantitative research methods within political science in order to frame the empirical puzzle. It draws on archival research using the British National Archives in London, the Ba’th Party archives at the National Defense University in Washington, D.C., and the Library of Congress. Extensive empirical research was also conducted at Harvard University’s Law School library which houses pertinent documents regarding cross-national legal codes. The quantitative component consisted of multiple linear regressions using the Fragile State Index which contains aggregate data measuring various socio-economic and political indicators. Lastly, the work also relies on elite interviews with community members in and outside of Iraq as well as American policy makers to gain a deeper understanding of U.S. policy outcomes on Iraq’s post-2003 governing trajectory.

The dissertation’s findings are significant as it is the first study of its kind to apply multi-level research methods to the temporal study of ethnic conflict, authoritarianism,

and democratic transition in Iraq. The findings are triangulated in order to reframe our understanding of the processes that lead to ethnic mobilization, which has implications for measuring the success or failure of post-conflict statebuilding in ethnically divided societies undergoing transition from authoritarian rule.

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This work, from its inception to its completion, would not have been possible without my supervisors and mentors, Wilfried Swenden and Adham Saouli. Their patience, guidance, and constructive criticism nurtured the growth of the research and writing in all its facets. I will forever appreciate their immeasurable kindness and mentorship throughout the Ph.D. process. *Thank you.*

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Chapter One Introduction

The Puzzle

On June 6 2014, the Islamic State of Iraq and the Levant (ISIL) entered Mosul—Iraq’s second largest city in the Nineveh Province, and a multi-ethnic and religious hub for Iraq’s Arabs, Assyrians, Kurds, Shabacks, Turkmen, and Yazidis. Within a week into the chaos, ISIL fighters managed to drive out the city’s security forces and declare an Islamic Caliphate across the vast territory it controls in parts of Iraq and Syria. Less than five months since ISIL’s takeover, the group has allegedly used chemical weapons to target Iraqi security personnel,¹ and has systematically engaged in ethno-religious cleansing of Iraq’s Yazidi, Assyrian, and Christian, whose members were given the three ultimatums: convert to Islam, pay the *jizya* (an Islamic tax on non-Muslim communities), or die.² Systematic targeting through ethnic cleansing campaigns or mass summary executions of ethno-religious groups has become a daily reality for Iraqis living in ISIL controlled territories. As of September 2014—at the time of writing this chapter, the group has

¹ Loveday Morris, “Islamic State militants allegedly used chlorine gas against Iraqi security forces,” *Washington Post*, October 23 2014. http://www.washingtonpost.com/world/middle-east/islamic-state-militants-allegedly-used-chlorine-gas-against-iraqi-security-forces/2014/10/23/c865c943-1c93-4ac0-a7ed-033218f15cbb_story.html?wpisrc=nl-eve&wpmm=1

² United Nations High Commissioner for Human Rights, *Human Rights Council Resolution S-22/1*, September 1 2014: <http://www.ohchr.org/EN/HRBodies/HRC/SpecialSessions/Session22/Pages/22ndtSpecialSession.aspx>; Amnesty International, “Gruesome evidence of ethnic cleaning in northern Iraq as Islamic State moves to wipe out minorities,” September 2 2014: <http://www.amnesty.org/en/news/gruesome-evidence-ethnic-cleansing-northern-iraq-islamic-state-moves-wipe-out-minorities-2014-0>; Human Right Watch “Iraq: ISIS Abducting, Killing, Expelling Minorities,” July 19 2014: <http://www.hrw.org/news/2014/07/19/iraq-isis-abducting-killing-expelling-minorities>

executed an estimated 1700 Shi'i soldiers in the town of Tikrit as well as Shi'i Turkmen in villages south of Kirkuk—one of Iraq's most multiethnic and multi-religious cities.³ Moreover, ISIL has kidnapped an estimated 2000 Yazidi and Christian women who have been systematically raped and sold into sexual slavery in Iraq and neighbouring Syria.⁴ The human destruction follows a wave of systematic targeting and destruction of Iraq's ancient Mesopotamian, Christian, and Islamic cultural heritage sites.⁵

The near collapse of the state following authoritarian breakdown is symptomatic of the inability of ruling elites to govern Iraq has a divided society. From 2003-2013, we observe that the country's political development remains on the margins even following a complete institutional overhaul of the Ba'athist state. Using Freedom House political rights and civil liberties aggregated scores (8-not free, 0-free) we see insignificant variation in Iraq's freedom ranking from 1973-2013, and while marginal improvements have been made since 2003 in the country's political rights and civil liberties scores, its overall status remains "not free."

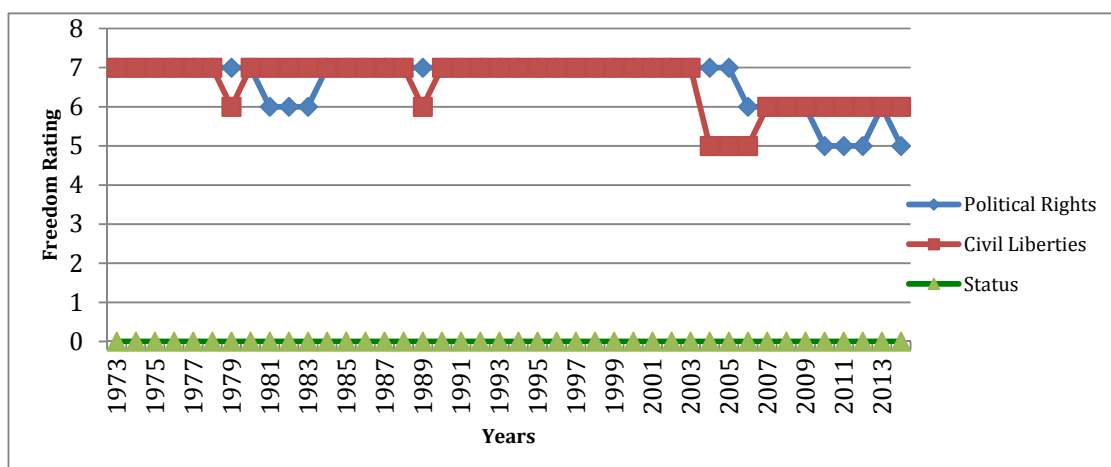
³ Human Rights Watch, "Iraq: Islamic State Executions in Tikrit," September 2 2014: <http://www.hrw.org/news/2014/09/02/iraq-islamic-state-executions-tikrit>; Washington Post, "Shiite villagers describe 'massacre' in northern Iraq," June 23 2014:

http://www.washingtonpost.com/world/shiite-villagers-describe-massacre-in-northern-iraq/2014/06/23/278b0fb2-76c8-4796-83f7-840c277e93d8_story.html

⁴ U.N. News, "ISIL may have committed genocide, war crimes in Iraq, says UN human rights report," March 19 2015: http://www.un.org/apps/news/story.asp?NewsID=50369#.VS_acEu4NRH; See also, Evan Watson, "Treated like cattle": Yazidi women sold, raped, enslaved by ISIS," *CNN* October 30 2014: http://www.cnn.com/2014/10/30/world/meast/isis-female-slaves/?cid=ob_articlesidebarall&iref=obinsite

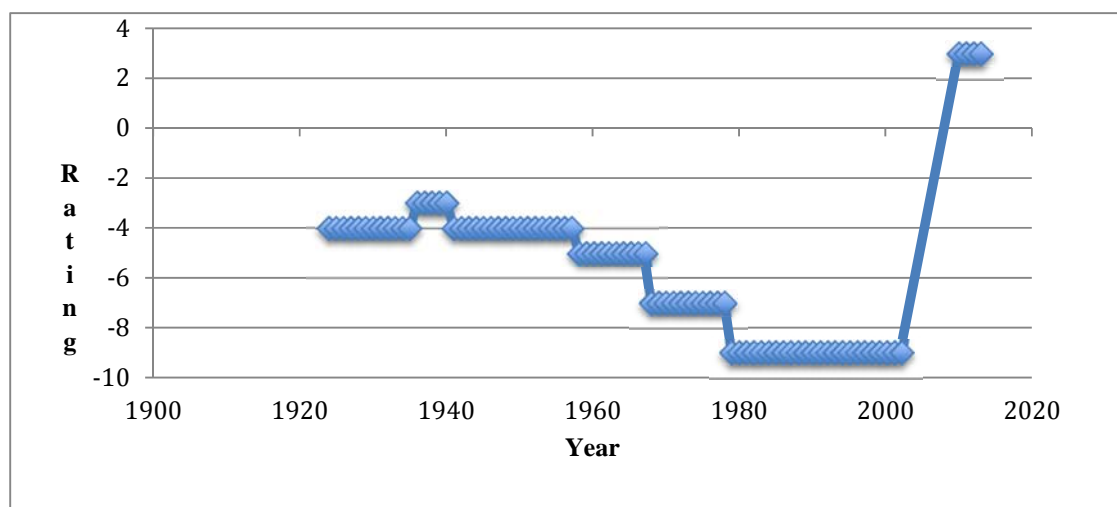
⁵ Abdulamneer al-Hamdani, "Iraq's heritage's is facing a new wave of destruction," *Iraq Heritage*, September 8 2014: <http://iraqheritage.org/reports.php>; Tim Arango, "Tears, and Anger, as Militants Destroy Iraq City's Relics," *New York Times*, July 30 2014: http://www.nytimes.com/2014/07/31/world/middleeast/iraqi-anger-rises-as-militants-attack-mosuls-cultural-history.html?_r=0

Figure 1: Iraq Freedom House Rankings, 1973-2013



Data Source: Freedom House, *Freedom in the World Comparative and Historical Data*.

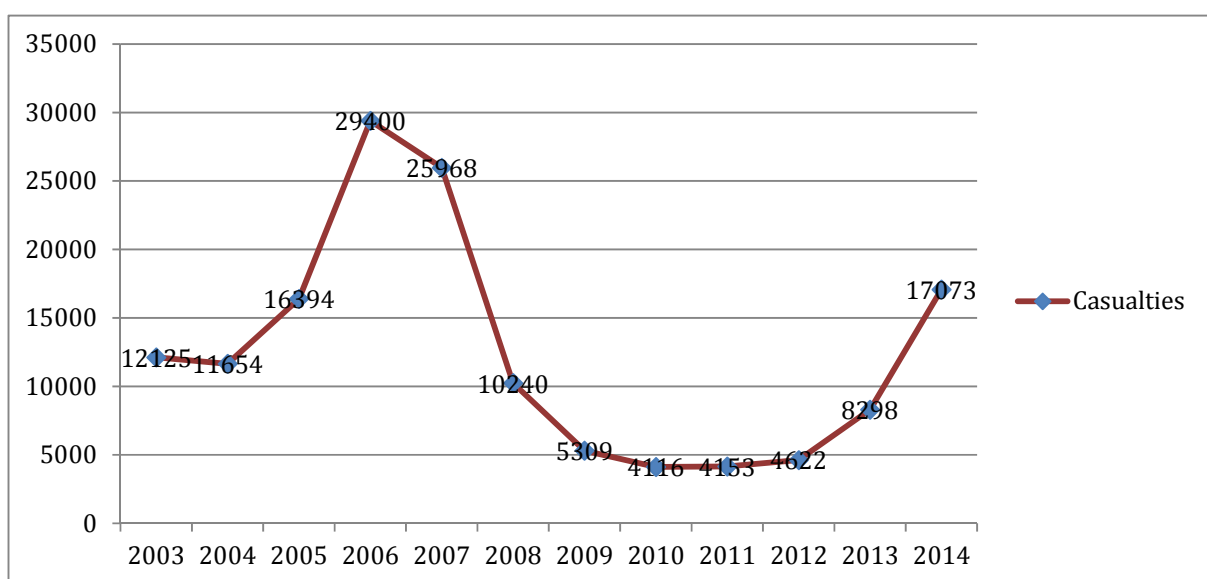
Similarly, while the country's autocracy rating has improvement since 2003, jumping from -9 in 2002 (-10 being highly autocratic and 10 the least) to 3 in 2013, peaking in its autocracy ranking during the formative years of Saddam Hussein's rule from 1980-2002, its slow progression further points to an overall stagnation in the country's governing trajectory, as demonstrated below,

Figure 2: Iraq Autocracy Rating, 1924-2013

Data Source: *Polity IV Autocracy Index*. Note: missing ranking data from 2003-2010 is coded as 66.

Daily violence resulting in civilian deaths has fuelled the country's stagnation, eleven years post-'liberation', 2014 has been one of the deadliest years for civilians since 2006 (at the height of ethno-religious violence), as demonstrated below:

Figure 3: Documented Civilian Deaths from Violence, 2003-2014



Data source: Iraq Body Count

Framing state violence against ethno-religious groups is imperative to understanding the failure of ruling elites to govern Iraq as a plural society. The systematic targeting of ethnic and religious groups is not a phenomenon restricted to post-2003 as a result of state collapse and the deterioration of the security environment. Rather, state-sponsored violence against various communities has been a consistent policy of Iraq's past governments throughout formative statebuilding periods, as demonstrated in Table 1 below.

Table 1: State-sponsored Violence against Ethnic and Religious Groups, 1933-91

Event	Targeted Group	Year
Simele Massacre	Assyrians	1933
Farhud	Jews	1941
Purges and executions	Communists	1949, 1959, 1963, 1966, 1978 1961-63
Armed autonomist movement	Kurds, Assyrians, Communists	
Mass expulsions	Shi'i Arabs	1969-71
Armed autonomist movement (cont)	Kurds, Assyrians	1974-75

Border clearings	Assyrians, Kurds	1977-78
Anfal (prelude)	Assyrians, Kurds, Yazidis	1987
Anfal	Assyrians, Kurds, Yazidis	1988
Gassing of Halabja	Kurds	1988
Massacre following intifada	Shi'i Arabs	1991

Source: Sargon George Donabed, *Reforging a Forgotten History: Iraq and the Assyrians in the Twentieth Century* (Edinburgh: Edinburgh University Press, 2015), 223.

The Inquiry

This dissertation seeks to explain and ascertain the relationship between state institutions and ethnic conflict in Iraq as a divided society. The inquiry began as a curious investigation into the origins, causes, and effects of Iraq's seemingly protracted ethnic violence that has plagued the country following state collapse and autocratic breakdown in 2003. In attempting to understand the failure to govern Iraq as a divided society, and to elucidate the processes and mechanisms that contribute to the surge in ethnic violence following an exogenously imposed democratic order, this research seeks to answer the following research questions: why has it been difficult to govern Iraq as a divided society both prior to and following authoritarian breakdown and the formal institutionalization of democracy? While this question underpins the epistemological assumption of this research, other significant lateral questions are equally relevant to contextualizing the current puzzle—namely, how have historical patterns of authoritarian rule, exclusion, and subsequent failures at statebuilding affected group grievances? And what role have institutions played in the temporal articulation of conflict along ethnic lines?

As a theory-building endeavour, I seek to identify the institutional conditions against which groups grievances are advanced and the processes that lead to their mobilization. I argue that in order to develop a causal explanation of ethnic mobilization

and group conflict, it is imperative to place emphasis on early institutional engineering and structural barriers to inclusion during critical state formation and statebuilding periods. I apply historical institutionalism and its analytical toolkits to explicate the causal mechanisms linking institutional design and ethnic conflict in divided post-colonial societies. Contextualizing the emergence of ethnic conflict within a state's institutional setting is imperative since formal institutions "structure incentives for political behavior of one kind or another."⁶

Chapter Outline

The first section defines and explains ethnic conflict as it relates to the present inquiry. With this definitional background in place, section two defines the conditions that produce a divided society and provides an overview of dominant conflict regulation strategies and prescriptions for mitigating conflict. This section also examines works that emphasize the historical dimensions of conflict in divided societies in order to frame their relevance of the present case. In the third section, I situate the evolution of ethnic strife in Iraq vis-à-vis the state's political institutions by examining its evolution during critical state formation and statebuilding periods. Prominent works that address identity politics in Iraq are analyzed in order to demonstrate the gap this research intends to fill. I proceed to outline the argument underpinning this study by providing a nuanced explanation of the institutional mobilizing factors that have shaped ethnic grievances that have produced a divided society. In the last section, I demonstrate the importance of applying historical

⁶ Donald L. Horowitz, *Ethnic Groups in Conflict* (University of California Press: Berkeley, CA. 1985), 601.

institutionalism as an approach for mapping institutional formation and transformation along a given temporal setting to the study of ethnic conflict in divided societies like Iraq. The chapter concludes with a dissertation overview that frames the overall argument, the preliminary findings of this study, and a summation of proceeding chapters.

Defining Ethnic Conflict

Scholars of ethnic conflict fundamentally agree on the presence of segmental cleavages that incentivize mobilization and frame ethnic grievances. While acknowledging the sometimes rigid but often fluid and overlapping identities that constitute the complex and nebulous world of identity politics in Iraq, both historically and in more modern contexts, and in accounting for varied and often vague terminologies such as communal conflict in reference to ethnic, religious and sectarian strife, I adopt Donald Horowitz's characterization of ethnic conflict to inclusively denote the articulation of conflict based on ascriptive group attachments such as race, language, religion, tribe and caste.⁷ Although communalism, communal conflict, ethno-religious conflict, sectarianism have all be used to characterize segmental group conflict in Iraq, their application to this study is limited in two ways. First, they are used to describe a subset of religious conflict such as the Shi'i-Sunni Arab sectarian divide, which precludes the focus on other types of conflicts as it confines it to those religious communities. Second, the terms lack theoretical rigor and fail to account for the plethora of ascriptive identities that exist in Iraq that fuel discord and mobilization against the state. Moreover, the escalation of sectarian and

⁷ Horowitz (1985), 41-53.

religious conflict is often manifested in ethnic terms since “ethnicity is simply the larger set to which religion, race, language, and sect belong as subsets.”⁸

With this conceptual background in place, the discussion below shifts to normative explanations of the ideological and material causes of ethnic saliency that generate conflict in divided societies.

Explaining Ethnic Saliency

Three prevailing explanations facilitate a greater understanding of the root causes of group fragmentation in divided societies like Iraq. For Clifford Geertz, primordial⁹ group attachments in post-colonial societies takes group identities as “givens” where social existence is predicated on “immediate contiguity and kin connection mainly, but beyond them the givenness that stems from being born into a particular religious community, speaking a particular language, or even a dialect of a language, and following particular social practices.”¹⁰ Contrasting from Geertz, Paul Brass adopts an instrumentalist view of ethnic mobilization that underpins the variability of ethnic identities and the factors that result in their manipulation and conversion. For Brass, the transformation of ethnicity into conflict is rooted in “the conversion of cultural differences into bases for political differentiation between peoples [which] arises only under specific circumstances which

⁸ Ashutosh Varshney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven: Yale University Press, 2002), 5.

⁹ It is imperative to note, primordialism as a concept for understanding the consolidation and attachment of group identities on the basis of blood ties, was first used by Edward Shils in “Primordial, Personal, Sacred and Civil Ties: Some Particular Observations on the Relationships of Sociological Research and Theory,” *The British Journal of Sociology*, 8. 2 (June 1957): 142.

¹⁰ Clifford Geertz, “The Integrative Revolution,” in *Old Societies and New States*, ed., Clifford Geertz, (New York: Free Press of Glencoe, 1963) 109. Some primordialists attribute a biological basis to ethnicity as a variable in ethnic conflict. See for instance, Peirre Van den Berghe, *The Ethnic Phenomenon* (New York: Elsevier, 1981).

need to be identified clearly.”¹¹ Hence, a combination of political and economic factors, elite competition, and the mobilization of groups in the absence of developed mass communication are all processes that contribute to the politicization and hardening of ethnic identities that result in conflict.¹²

For others, ethnic saliency is an outcome of both primordialist and instrumentalist factors. McKay’s matrix model bridges primordialism and instrumentalism by examining the extent in which both explanations operate in varying degrees depending on circumstance rather than viewing the two models as diametrically opposed analytical categories.¹³ Likewise, Wolff defines ethnic conflict as “a form of group conflict in which at least one of the parties involved interprets the conflict, its causes, and potential remedies, along an actually existing or perceived discriminating ethnic divide.”¹⁴ Similarly, Gurr, in accepting culture as a constitutive element and a key criterion by which ethnic groups define and identify themselves, notes the overlap between primordialist and instrumentalist causes of group conflict particularly when the presence and degree of competition and inequality between groups in a heterogeneous society fuels the saliency of group identities resulting in ethnic conflict.¹⁵ Of particularly theoretical relevance to

¹¹ Paul R. Brass, *Ethnicity and Nationalism: Theory and Comparison* (New Delhi: Sage Publications, 1991), 13.

¹² Brass (1991), 116.

¹³ James McKay, “An Exploratory Synthesis of Primordial and Mobilizationist Approaches to Ethnic Phenomena,” *Ethnic and Racial Studies*, 5.4 (October 1982): 403-04.

¹⁴ Stefan Wolff, “Managing and Settling Ethnic Conflicts,” in *Managing and Settling Ethnic Conflicts*, eds., Ulrich Schneckener and Stefan Wolff (London: Hurst & Company, 2004), 1.

¹⁵ Ted Robert Gurr, “Peoples Against States: Ethnopolitical Conflict and the Changing World System: 1994 Presidential Address,” *International Studies Quarterly*, 38. 3 (September 1994): 348.

the present case is Gurr and Harff's typology¹⁶ of ethnic groups in modern states which views dominant minorities as a type of ethnoclass that have historically been more common and who use and monopolize the power of the state for their own political and economic gain over other majority groups, citing the control of the Iraqi state by the Sunni Arab minority as an example.¹⁷ While acknowledging that ethnicity is shaped by environmental factors that enable elites to instrumentalize and politicize group grievances, Esman maintains that the presence of core beliefs, shared memories, and communal experiences collectively serve as the foundation for people's ethnic attachments.¹⁸ Shared collective historical experiences, cultural markers, language, religion, and legal institutions become the basis for the hardening of ethnic solidarities that evolve into salient conflict in divided societies.¹⁹

For the purpose of this research, I adopt a synthesized explanation of ethnic conflict that acknowledges that while primordial group attachments are *a* component of ethnic solidarity, other structural factors affect the saliency of those attachments across time and in a given institutional setting. This supports Haddad's assertion that an analysis of sectarianism in Iraq must account for the contextual and temporal factors that have shaped group attachments at a given time.²⁰ In the given case, as the historical institutionalist analysis will illustrate, exogenous state formation by Britain constituted a critical juncture in the development of state structures and institutions that catapulted the

¹⁶ This typology is based on four categorizations: ethnonationalists, indigenous peoples, communal contenders, and ethnoclasses. For an in-depth analysis of these groups, see chapter two in Ted Robert Gurr and Barbara Harff, *Ethnic Conflict in World Politics* (Boulder: Westview Press, 1994), 15-26.

¹⁷ Gurr and Harf, 24.

¹⁸ Esman (1994), 14.

¹⁹ Ibid.

²⁰ Haddad (2011), 2.

Sunni-Arab minority to power and created a fissure in the socio-political dynamics of the nascent state. As a society deeply divided along many and often overlapping cleavages, early institutional constraints fuelled vertical fragmentation of its society as non-Sunni Arab ethnic and religious groups, such as Shi'is, Kurds, Turkmen, Assyrians, Yazidis, and Jews saw themselves outside the emergent state.

A few themes emerge out of this conceptual analysis of divided societies and ethnic conflict. First, racial, religious, cultural, and ethnic cleavages are contingent mobilizing factors for groups in divided societies. Whether these divisions are a result of primordialist, instrumentalist, or a synthesis of both, they define and characterize the political saliency of ethnic conflict particularly since “control of the state, control of a state, and exemption from control by others are among the main goals of ethnic conflict.”²¹ Second, ascriptive ties with circumscribed boundaries combined with elite instrumentalization of group identities determines inter-group interactions in divided states that result in the mobilization²² and hardening of ethnic attachments. Ethnic conflict emerges when these factors intersect at a given time at in a given institutional context that ultimately determines an ethnic group's mobilizing factors.

In the following section, I survey conflict mitigating strategies found within the literature on governing in divided societies in order to both outline the varying

²¹ Horowitz (1985), 5.

²² By mobilization, I employ Esman's definition as “the process by which an ethnic community becomes politicized on behalf of its collective interests and aspirations. This process requires an awareness, usually promoted by ethnic entrepreneurs, that political action is necessary to promote or defend the community's vital collective interests.” See Esman (1994), 28.

prescriptions within the existing literature and to frame their relevance to Iraq particularly following state and regime collapse in 2003.

Conceptualizing and Explaining Governing in Divided Societies

Before delving into a discussion of conflict mitigating approaches and strategies for in ethnically divided societies, the section below examines normative conceptualizations and explanations of divided societies in order to situate the interaction between socio-structural conditions that fuel ethnic mobilization. Although normative definitions and typologies of divided societies vary, they commonly emphasize the presence of segmental cleavages as the basis for ethnic mobilization. Nordlinger, for example, contends that the intensification of segmental conflict that produces a deeply divided society occurs when “a large number of conflict group members attach overwhelming importance to the issues at stake, or manifest strongly held antagonistic beliefs and emotions toward the opposing segment, or both. It now becomes apparent that intense conflicts may readily result in wide-spread violence and repression when one conflict group controls the government or the army.”²³ Building on J.S. Furnivall’s *Netherlands India*, Rabushka and Shepsle contend that a plural society consists of culturally diverse and politically organized units exhibiting the presence of communal political parties, portioning of social groups along homogenous cultural subgroups, and political appeals that emphasize primordial attachments.²⁴

²³ Eric Nordlinger, *State, Power and Politics in Divided Societies* (Cambridge: Center for International Affairs, Harvard University, 1972), 9-10.

²⁴ See Alvin Rabushka and Kenneth A. Shepsel, *Politics in Plural Societies* (Columbus: Pearson Longman, 2009), 10.

Similarly, Lijphart maintains that deeply divided societies exhibit cleavages along religious, cultural, linguistic, ethnic, and racial lines.²⁵ Ian Lustick, on the other hand, builds on Nordlinger's definition of a divided society as "plural," "vertically segmented," and "communally divided," and contends that a society is deeply divided if "ascriptive ties generate an antagonistic segmentation of society, based on terminal identities with high political salience, sustained over a substantial period of time and a wide variety of issues."²⁶ Thus, primordial group identifications become the legitimizing basis for political mobilization along ethnic or religious lines resulting in conflict. Peleg characterizes divided societies as those espousing an ethnic constitutional order (ECO) marked by a "regime privileging one ethnic group over all others by law, policies or practices and via the actions of the state."²⁷ Regime survival is based on coercive means or by the "hegemonic" acceptance of its fundamental principles, which may also produce contradictions coupled with exposure to external global values resulting in its demise.²⁸ Thus, for Peleg, the clash between ethnic communities and the politicization of communal cleavages resulting from diverging group claims over the control of the state and the institutionalization of ethnic-based nepotism produces a divided society. For the purpose of this research, I adopt Choudhry's characterization of a divided as those where perceived inter-group identification and ethnic-based conflict is a defining and transformative marker and where,

²⁵ Arend Lijphart, "Majority Rule Versus Democracy in Deeply Divided Societies," *Politikon: South African Journal of Political Studies* 4:2 (1977): 117.

²⁶ Ian Lustick, "Stability in Deeply Divided Societies," *World Politics* 31 (1979): 325.

²⁷ Ilan Peleg, "Transforming Ethnic Orders to Pluralist Regimes: Theoretical, Comparative and Historical Analysis," in, Ed. Adrian Guelke. *Democracy and Ethnic Conflict* (New York: Palgrave MacMillan, 2004), 9.

²⁸ Peleg (2004).

these differences are politically salient—that is, they are persistent markers of political identity and bases for political mobilization. Ethnocultural diversity translates into political fragmentation. In a divided society, political claims are refracted through the lens of ethnic identity, and political conflict is synonymous with conflict among ethnocultural groups.²⁹

Two crosscutting themes emerge out of the aforementioned conceptualization. First, the presence of politically salient segmental cleavages based on ethnic identifications. Second, the politicization of these identities leads to the hardening of collective identities, which produces group mobilization against the state. Thus, group grievances are couched in an ethnic frame and are thus viewed through an ethnic prism. Conceptualizing the underlying causes of ethnic conflict that underpins any analysis of a divided society means disaggregating and unpacking the factors that result in their development. Primordialism, instrumentalism, or a synthesis of both are three normative explanations that dominate the discourse on ethnic mobilization ethnicity in divided societies. Contextualizing the conditions and processes that result in group mobilization against the state requires an analysis of the factors that affect how ethnic groups emerge and the dynamics that result in the hardening of ethnic identity politics as a response to institutional constraints in a given state. This aids in identifying the causal mechanisms that have shaped grievances and ethnic saliency in Iraq since its formation.

This conceptual background is significant as it frames the mechanisms that inflame group saliency in order to explain and ascertain the applicability of dominant conflict regulation paradigms. Broadly, the scholarship attempts to explain how and why and under what conditions groups mobilize along ethnic lines in a given conflict setting. The

²⁹ Sujit Choudhry, “Bridging comparative politics and comparative constitutional law: Constitutional design in divided societies,” *Constitutional Design for Divided Societies: Integration or Accommodation?* Ed., Sujit Choudhry (New York: Oxford University Press, 2008), 5.

central issue underpinning all research on divided societies is nested in the need to identify and apply conflict regulation models to societies exhibiting protracted ethnic conflicts. However, conflict regulation models often offer a one-size-fits all solution with little analysis of the historically relevant processes that fuel conflict, which may also house clues not only about why ethnic groups mobilize against the state, but how grievances can be addressed in a given institutional setting.

The discussion below shifts to the normative and theoretical application of conflict regulation strategies. The literature on ethnic conflict is often intertwined with conflict regulating models and prescriptions. Dominant paradigms for governing deeply divided societies emphasize the need for implementing institutional design models that can mitigate conflict and sustain peace over time. While all dominant approaches emphasize the need to devise institutional mechanisms that can halt ethnic violence and sustain a peaceful transition to democracy, scholars diverge in their conflict regulation prescriptions and the institutional design choices that accompany them.

Prescriptions for Conflict Regulation

Scholars of governing in divided societies identify and apply prescriptions that can better mitigate group-based conflict in fragmented societies exhibiting segmental cleavages. Consociationalism and centripetalism are two theoretically and empirically divergent approaches that dominate the discourse on ethnic conflict management in plural societies. Although the presence and salience of segmental cleavages that result in the politicization and mobilization of ethnic groups underpin the conceptual and normative basis of this literature, conflict regulation strategies differ in both scope and application.

Accordingly, competing models of institutional engineering in emerging democracies focus on the capacity of the transitional state to implement conflict prevention strategies in deeply divided societies. This requires the formulation of constitutional and institutional tools that promote inclusion and national consensus whereby citizens share a common national loyalty.³⁰ These models operate within a democratic framework; that is, they presuppose the viability of democracy as the most effective governing strategy for resolving conflict in deeply divided societies. Dominant accommodationist conflict regulation approaches can be dichotomized into two distinct electoral incentives—consociationalism as espoused by Arend Lijphart and Donald Horowitz’s centripetalism as an alternative to consociationalism.

Broadly, these categories vary thematically between promoting more centralized versus decentralized forms of institutional design mechanisms for societies exhibiting salient ethnic conflict. For Lijphart, segmental cleavages can be moderated by adopting consociationalism and its four principles: a grand coalition; a mutual veto; proportionality; and segmental autonomy.³¹ The utility of consociationalism rests with its ability to provide contending groups a stake in the legislative and executive decision-making processes by promoting political engagement of competing ethnic groups. Although both Horowitz and Lijphart agree on various institutional engineering strategies for divided

³⁰ Nicholas R. L. Haysom, “Constitution Making and Nation Building,” in *Federalism in a Changing World-Learning from Each Other*, ed. Raoul Blindenbacher et al. (Montreal: McGill-Queens University Press, 2003), 217.

³¹ Lijphart, (1977): 118-19. In later works, Lijphart outlines nine constitutional guidelines for consociationalism: legislative electoral system; guidelines within proportional representation; parliamentary or presidential government; power sharing in the executive; cabinet stability; selecting the head of state; nonterritorial autonomy; and power sharing beyond the cabinet and parliament. See Arend Lijphart, “Constitutional Design for Divided Societies,” *Journal of Democracy*, 15.2 (April 2004): 99-105.

societies,³² Horowitz contends that grand coalitions will only intensify centrifugal tendencies and will always override broad-based cooperation incentives in deeply divided societies.³³ Alternatively, centripetalism entails drawing power to the centre in order to minimize centrifugal politics and the polarization of existing ethnic cleavages.³⁴ It is characterized by the reduction of conflict through arrangements that advance policies that generate incentives for interethnic cooperation through electoral coalitions or preferential and territorial arrangements; encouraging alignment based on common interests rather than ethnicity; and lastly, reducing disparities between groups to mitigate the future eruption of conflict.³⁵ Building on Horowitz and Timothy Sisk (1995), Benjamin Reilly contends that centripetalism is a political system where the focus of political competition is aimed at the centre and not on polarizing extremes in order to diffuse group attachments as the foundation of political engagement.³⁶ However, elites are often reluctant to consign or relegate powers to a centralized authority under a presidential system particularly if the country has exhibited forced and violent political consolidation under an authoritarian regime, as the Iraq case demonstrates.

Ian Lustick describes an alternative control strategy employed by states to govern a divided society that “would focus on the emergence and maintenance of a relationship in which the superior power of one segment is mobilized to enforce stability by

³² Horowitz (1985), 576.

³³ Choudhry (2008), 20.

³⁴ Donald L. Horowitz, *South Africa Constitutional Engineering in a Divided Society* (Berkeley: University of California Press, 1991), 181-90.

³⁵ Horowitz, (1985), 597-99.

³⁶ Benjamin Reilly, *Democracy in Divided Societies* (New York: Cambridge University Press, 2001), 7, 11.

constraining the political actions and opportunities of another segment or segments.”³⁷ This is implemented through coercion or threat of coercion, political and economic mechanisms, institutional design, legal frameworks, and sociocultural circumstances.³⁸ The dilemma in Lustick’s control approach is the consolidation and centralization of coercion for states making the transition from authoritarian rule. In the case of post-2003 Iraq, decades of autocratic single-party rule under the B‘ath regime meant that groups previously excluded from state structures and institutions lack the political incentive to relegate power to a centralized authority. While Sunni Arabs might favour a more centralized state, leaders and elites of majority and minority ethnic groups reject a highly centralized state fearing it would replicate the B‘athist system.³⁹

The strands of literature focus on formulating constitutional and institutional models for promoting inclusion and national consensus whereby citizens share a common national loyalty within a democratic framework.⁴⁰ The importance of democracy to post-conflict statebuilding is summarized by Przeworski in noting that although conflict is present in all societies and that democracy is not an end-all solution for resolving conflicts, it is nevertheless an important system for processing and managing conflicts.⁴¹ Underpinning this formula is the creation of an institutional design that is both democratic (on an institutional/statist level) and responsive to democratic politics (based on societal

³⁷ Lustick (1979): 328.

³⁸ Ibid: 342.

³⁹ Phebe Marr, “Iraq’s Identity Crisis,” in *Iraq: Preventing a New Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone, and Ben Rowswell (Colorado: Lynne Rienner Publishers, 2007), 52; for a succinct analysis of the role and function of federalism in post-2003 Iraq, see David Cameron’s “Making Federalism Work,” 160-165, in the same volume.

⁴⁰ Haysom (2003), 217.

⁴¹ Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991), 95.

interests) in post-conflict states. The process of designing new institutional arrangements is a crucial step for ensuring that new institutions can moderate ethnic tensions and grievances, while, at the same time, preventing the outburst of violence in transitional divided societies.⁴² This is predicated on testing the applicability and practicability of consociationalism and power-sharing versus centripetalism and cross-sectional and interethnic cooperation as the two competing electoral strategies of accommodation in post-conflict statebuilding in deeply divided societies.

As noted by Choudhry, Lijphart's analysis of deeply divided societies is one that is challenged by mutually reinforcing segmental cleavages where political divisions map onto "lines of objective social differentiation" characterized by race, language, culture and ethnicity.⁴³ The method by which segmental cleavages can be moderated is consociationalism, which encompasses four principles: grand coalition; a mutual veto; proportionality; and segmental autonomy.⁴⁴ The utility of consociation rests with its ability to provide contending groups a stake in the constitutional making process while promoting political engagement of salient ethno-religious groups in divided societies. However, analytically, Lijphart does not account for preceding governing structures and institutional design that might impede the application of power-sharing consociational arrangements particularly during the critical phase of democratic consolidation.

⁴² Ho-Won Jeong, *Peacebuilding in Postconflict Societies* (Boulder: Lynne Rienner, 2005), 94.

⁴³ Choudhry, 17.

⁴⁴ Lijphart (1977): 118-19. In later works, Lijphart outlines nine constitutional guidelines for consociationalism: legislative electoral system; guidelines within proportional representation; parliamentary or presidential government; power sharing in the executive; cabinet stability; selecting the head of state; nonterritorial autonomy; and power sharing beyond the cabinet and parliament. See Lijphart, (2004): 99-105.

Although both Horowitz and Lijphart agree on various institutional engineering strategies for divided societies,⁴⁵ Horowitz contends that grand coalitions as advocated by power-sharing arrangements only intensify centrifugal tendencies and will always override broad-based and cross-ethnic cooperation in deeply divided societies.⁴⁶ An alternative approach based on centripetalism entails drawing power to the centre in order to minimize centrifugal politics in ethnically divided societies.⁴⁷ It is characterized by the reduction of conflict through arrangements that advance policies that generate and incentivize interethnic cooperation through electoral coalitions or preferential and territorial arrangements, encouraging alignment based on common interests rather than ethnicity, and lastly, reducing disparities between groups that may serve as the mobilizing ground for conflict saliency.⁴⁸ A drawback to this approach is the lack of incentives for elites to consign or relegate powers to a centralized authority particularly if countries have exhibited forced and violent political consolidation under authoritarian regimes, as the Iraqi case demonstrates.

Building on Lijphart and Horowitz's typologies, McGarry, O'Leary and Simeon reject Lijphart and Horowitz's claim that ethnic identity necessarily translates to political mobilization in divided societies⁴⁹ and compartmentalize institutional design approaches into integration versus accommodation as conflict regulating models.⁵⁰ Integrationists

⁴⁵ Horowitz (1985), 576.

⁴⁶ Choudhry, 20.

⁴⁷ Horowitz (1991), 181-90.

⁴⁸ Horowitz (1985), 597-99.

⁴⁹ Choudhry, 27.

⁵⁰ John McGarry, Brendan O'Leary, Richard Simeon, "Integration or Accommodation? The Enduring Debate on Conflict Regulation," Sujit Choudhry, Ed., *Constitutional Design for Divided Societies: Integration or Accommodation?* (New York: Oxford University Press, 2008), 71-2.

attribute ethnic conflict to the presence of group-based polarization in political institutions rather to tangible and salient factors, and thus renounce the ethnification of political parties and civic associations by favouring non-ethnic alignment of political factions.⁵¹ Accommodationists, on the other hand, accept the diversity of group identities in heterogeneous states and acknowledge the importance of taking ethnic saliency as a factor for developing conflict regulation strategies.⁵² Categorically, centripetalism, multiculturalism, consociation, and territorial pluralism are the four main accommodationist approaches to governing a divided society, of which Lijphart, Horowitz, and McGarry, O'Leary, and Simeon subscribe to.

The aforementioned categories vary thematically between those promoting centralized versus decentralized forms of institutional design models for divided societies exhibiting politically salient and often protracted ethnic conflict. A few critical observations and gaps in the literature are worth noting. First, the above institutional design mechanisms are prescriptions that assume that the imposition of democratic institutions leads to democratic politics, which may not always be the case.⁵³ Institutional engineering in an emerging democracy, whether rooted in consociational or centripetal arrangements, are often packaged and compartmentalized as a 'one-size-fits-all' solution without examining the impact of preceding governing structures on ethnic grievances. Second, these models assume institutional engineering commences on a clean slate and focus on prescriptive rigidity that lacks a historical account of preceding governing

⁵¹ Ibid, 45-6.

⁵² McGarry, O'Leary, and Simeon (2008), 52.

⁵³ Robin Luckham, Anne Marie Goetz, and Mary Kaldor, "Democratic Institutions and Democratic Politics," in *Can Democracy be Designed?* Ed. Suni Bastian et al. (London: Zed Books, 2003), 14.

structures and processes that have served as the basis for political contestation and ethnic mobilization. Lastly, they seldom account for the presence and utility of indigenous structures and institutions that may have generated horizontal interethnic cooperation in deeply divided societies that may be incorporated into new institutions and the emergent democratic structure.

I propose an explanation that explains how and why past institutional constraints shape ethnic saliency both under authoritarian regimes and following authoritarian breakdown. This explanation centres on historicizing the institutional conditions and processes that affect group mobilization during formative statebuilding periods. The section below explores works that have adopted a historical explanation of ethnic conflict in divided societies in order to situate the relevance of the present analysis within the broader discourse on governing in divided societies.

Historicizing Institutional Design in Divided Societies

The ontological underpinning of this thesis seeks to map the temporal conditions that structure the response of ethnic groups against authoritarianism and exclusion as governing mechanisms manifested in the state's governing institutions. Although scholarship on ethnic conflict management and institutional design emphasize the need to effectively concoct post-conflict state institutions that can mitigate group conflict, they often underestimate how preceding institutions and institutional design choices for divided societies precipitate ethnic conflict. Large-*n* studies, for example, oscillate between those measuring the fluctuation of ethnic conflict to quantitative analyses that pinpoint variables and circumstances that inflate ethnic strife in divided societies and the

variation and intensity of said conflicts. A common denominator within the existing scholarship is the need to formulate functioning institutions that can moderate tensions and mitigate future outbursts of conflict. Alternatively, other works that employ within-case analyses of small-n single case studies have elucidated the importance of engaging in a historical and contextual analysis of institutional design in divided societies. Particularly relevant to the premise of this thesis are works that juxtapose historical analysis with the study of institutional design in divided societies.

In his seminal work on the politics of Belgium—a society divided along linguistic, ethnic, and regional lines, Deschouwer demonstrates the deterministic impact past institutional choices have had on contemporary politics and institutional options for Belgium. For Deschouwer, understanding the present state of affairs and future institutional options for this divided society must be cognizant of, and founded on four historical turning points or critical junctures: (1) the critical period of state formation that saw the creation of a state divided along linguistic and religious segments; (2) the impact of successive electoral reforms, universal male suffrage, the introduction of proportional representation in 1900 and the development of the country's two prominent Catholic and Socialist political parties that came to dominate politics; (3) the institutional and territorial demarcation and organization of the country's linguistic divisions, which set the foundation for the country's federal composition; and, lastly (4), the shift of the country's economic power from the southern, largely French region to the northern Flanders region.⁵⁴

⁵⁴ Kris Deschouwer, *The Politics of Belgium: Governing a Divided Society* (New York: Palgrave Macmillan, 2009), 38-39.

Another regional example assesses the implications of state formation and early institutional design choices in Switzerland on the state's current institutional design. Kriesi and Trechsel illustrate how early institutional choices during the Swiss Confederation shaped its governing structures. In particular, the country's federal structure, its relationship with the highly autonomous cantons mostly divided along religious (Catholic and Protestant) and linguistic lines, attempted nation building by elites in the 19th century, and the formation and transformation of Swiss federalism largely tied to its early constitutional development, all contributed to the country's constitutional history as well as its current institutional arrangement.⁵⁵ Both cases demonstrate the inextricable and consequential links between past institutional choices and their effects on contemporary institutional configurations and outcomes by placing their development on a continuum of historical processes.

Other works, particularly relating to post-colonial states, have also emphasized the impact of preceding institutional choices on the development and transformation of contemporary institutional design strategies for divided societies. Posner's analysis of political institutions and ethnic politics in Africa demonstrates how political institutions not only shape ethnic politics and the saliency of ethnic identities, but also why "they shape peoples' incentives for selecting one of these potentially salient ethnic identities rather than another, and then coordinate these choices across individuals so as to produce a society-level outcome."⁵⁶ Furthermore, Posner attributes the origins of ethnic identities

⁵⁵ Hanspeter Kriesi and Alexander H. Trechsel, *The Politics of Switzerland: Continuity and Change in a Consensus Democracy* (Cambridge: Cambridge University Press, 2008), 2-11.

⁵⁶ Daniel N. Posner, *Institutions and Ethnic Politics in Africa* (New York: Cambridge University Press, 2005), 3-5. Other works point to the increasing power of institutions and institutionalized politics in

and their politicization in Zambia to institutions adopted by European colonial powers in the administration of Northern Rhodesia.⁵⁷ More recently, Horowitz's groundbreaking work on constitutional design and democratic transition in post-Suharto Indonesia reveals the utility of engaging in a historical analysis of early institutional design on transitional divided societies. In tracing the unconventional constitutional drafting process, marked by elections prior to the ratification of a new constitution following the collapse of Suharto's dictatorship after his resignation in 1998, Horowitz underscores the way in which incremental changes, shaped by past historical experiences, adopted during the transitional period assisted in stabilizing and moderating mounting ethnic and religious tensions in this highly divided, pos-colonial state.⁵⁸ The selection of an incremental process rather than an abrupt and complete overhaul of key institutions in 1998 is tied to past historical experiences and "when decisions are made incrementally, path dependence becomes important. The result was that those who revised the Indonesia constitution made some institutional choices at variance with more or less orthodox advice."⁵⁹

Similarly, O'Donnell's emphasis on historical "constants" demonstrates the relevance of historical processes on democratic transformation and institutional building

deeply divided societies whereby leaders are being limited by existing institutional configurations such as elections, see Daniel N. Posner and Daniel L. Young, "The Institutionalization of Political Power in Africa," *Journal of Democracy*, 18.3 (2007): 129-30.

⁵⁷ Posner (2005), 26-55. This second chapter outlines key institutions that created incentives for the mobilization of group identities along tribal, and subsequently, ethnic lines such as the administration of the mining sector by the British South Africa Company, and a system of Tribal Elders, the Native Urban Courts.

⁵⁸ Donald L. Horowitz, *Constitutional Change and Democracy in Indonesia* (New York: Cambridge University Press, 2013), 2. Specifically, Horowitz attributes the country's relatively stable transition to democracy to three interlinked processes: 1) the reform process chosen, 2) the strong social differences that permeated politics, 3) the emergence of specific institutions from the reform process that facilitated democratic transition. *Ibid*, 7.

⁵⁹ Horowitz (2013), 15.

in Argentina.⁶⁰ Cotler, on the other hand, employs a historical-structuralist approach to institutional design in Peru, emphasizing the residual effect of colonial institutions such as the country's oligarchy on democratic consolidation and institutional transformation.⁶¹ Other works on democratic transitions in post-communist Europe also underscore the need to contextualize the processes and institutional choices made during the third wave of democratic transition within a longer temporal setting. Johnson's work on the reconfiguration and transformation of post-communist financial institutions applies a path-dependent, temporal analysis of past institutional legacies and post-communist institutional design, and notes that "the effectiveness of such institutional design depends on the interaction among policy choice, institutional legacies, state capacity, and policy sequencing."⁶²

The above works demonstrate the utility of applying a historicized account of institutional change and the effects of colonial policies on ethnic conflict. In the case of the Middle East, British and French colonial policies bolstered the politicization and mobilization of inter-ethnic groups.⁶³ This work builds on the aforementioned literatures by adding another non-Western case study to the repository of cases that underscores the

⁶⁰ For O'Donnell, these historical constants are "characteristics of Argentine society that have remained as persistent problems or constraints, limiting the possibilities of political action. See Guillermo O'Donnell, "Permanent Crisis and the Failure to Create a Democratic Regime: Argentina, 1955-66," in *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins University Press, 1978), 140.

⁶¹ Julio Cotler, "A Structural-Historical Approach to the Breakdown of Democratic Institutions: Peru," in *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins University Press, 1978), 179.

⁶² Juliet Johnson, "'Past' Dependence or Path Contingency?" in *Capitalism and Democracy in Central and Eastern Europe*, eds., Grzegorz Ekiert and Stephen E. Hanson (Cambridge: Cambridge University Press, 2003), 292.

⁶³ Leonard Binder, "Introduction: the International Dimensions of Ethnic Conflict in the Middle East," in *Ethnic Conflict and International Policies in the Middle East*, ed., Leonard Binder (Gainesville: University of Florida Press, 1999), 20-21.

relevance of a historicized⁶⁴ explanation of political change. Situating Iraq within this frame of explanation aids in identifying the causal mechanisms and processes that have produced ethnic discord in response to various stages of institutional design; i.e. why the sequences of events in Iraq's statebuilding fuelled ethnic mobilization against the state.⁶⁵ Doing so requires a reconceptualization of the roots of ethnic strife in Iraq not as an indispensable component of societal interactions or a prescriptive marker of state-society relations but rather as an *outcome* of institutional constraints since the period of state formation and subsequently under various statebuilding periods. Hence, the interlocking theme here is the historical and the temporal.

In the following section, I demonstrate the importance of theoretically situating ethnic conflict in Iraq within a systematic analysis of the state and its political institutions as mechanism that both impose constraints on society and that structure social behaviour. Using Iraq as a single case, I insert an institutional analysis of the evolution and development of ethnic conflict in Iraq during formative statebuilding periods in order to map the causal mechanisms and the processes that congealed the ethnification⁶⁶ of group grievances against the state.

State Formation, Political Institutions, and Ethnic Conflict in Iraq

⁶⁴ Charles Tilly outlines six for engaging in a historical of political change, see Tilly, "Why and How History Matters," in *The Oxford Handbook of Political Institutions*, eds., R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2009), 524.

⁶⁵ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT University Press, 2005), 212.

⁶⁶ See Liam D. Anderson's reference to the ethnification of Belgian politics in *Federal Solutions to Ethnic Problems: Accommodating Diversity* (Oxon: Routledge, 2013), 46.

Although this research examines ethnic conflict as *one aspect* of state-society relations in Iraq, the central frame of analysis remains on state institutions as a product and an outcome of European colonial encroachment on the region following WWI. The emphasis on state institutions rests with the capacity of the state to exert its power on society and dictates state-society relations. In a Gramscian sense, the state constitutes both a political and civil society and maintains social and political hegemony over a given territory through a “governmental-coercive apparatus.”⁶⁷ Thus, the state provides the context by which we can analyze the institutional/structural strategies of political actors and the historical context that shapes actors’ political behaviour.⁶⁸ I adopt Joel Migdal’s definition of a state as “an organisation, composed of numerous agencies led and coordinated by the state’s leadership (executive authority) that has the ability or authority to make and implement the binding rules for all the people as well as the parameters of rule making for other social organizations in a given territory, using force if necessary to have its way.”⁶⁹

Conceptualizing the impact of state institutions facilitates an examination of the causal mechanisms that delineate and determine the behaviour of ethnic elites as social forces that shape ethnic conflict in divided societies. I posit that asymmetrical ethnic power relations that have determined the trajectory of conflict and mobilization in Iraq were determined and shaped largely by its colonial past. This critical period of state formation cemented exclusionary governance as colonial administrators favoured the rule

⁶⁷ Antonio Gramsci, *Prison Notebooks*, (New York: International Publishers, 2003), 263-65.

⁶⁸ Colin Hay and Michael Lister, “Introduction: Theories of the State,” in *The State: Theories and Issues* (New York: Palgrave MacMillan, 2006), 10.

⁶⁹ Joel S. Migdal, *Strong Societies and Weak States* (New Jersey: Princeton University Press, 1988), 19.

of Iraq's minority Sunni-Arab elites from urban areas. In providing a theoretical explanation of the processes that lead to the formation and deformation of Arab states based on the region's colonial past, Saouli contends that what emerged in the Middle East are social fields rather than states, which "initially constituted the spheres of influence of the encroaching European powers."⁷⁰ Also rooting the analysis of state formation in the region's colonial history, Ayubi notes that exogenous state formation by capitalist European powers ensured that nascent state structures served European economic interests and capitalist modes of production characterized by a growing dependency on external demands and interests.⁷¹ Ayubi's analysis is particularly relevant for studying Iraq as a post-colonial state created by and administered under the British Mandate following the dissolution of the Ottoman Empire after WWI. For conceptual clarity, state formation here denotes the consolidation or take-over, by political actors "of an organization that already performs at least some of the functions of the state."⁷² Thus, identifying the processes that led to state formation aids in identifying and explaining the effects of inadequate early institutional design on ethnic discord in emergent divided societies like Iraq. As will be demonstrated in chapter 3, exogenous state formation and subsequent statebuilding in Iraq under the British Mandate cemented ethnic power asymmetries and determined the preferential treatment of one ethnic group over others to govern the emergent state.

Before delving into an analysis of the theoretical implications of this study, the proceeding section surveys prominent works on Iraq in order to demonstrate the gap in

⁷⁰ Adham Saouli, *The Arab State* (London: Routledge, 2012), 8.

⁷¹ Nazih N. Ayubi, *Over-Stating the Arab State* (London: I.B. Tauris, 1995), 91-98.

⁷² Margaret Levi, "The Predatory Theory of Rule," *Politics Society* Vol. 10 (1981): 440.

the existing literature this work seeks to fill and to better contextualize a systematic analysis of ethnic conflict and statebuilding alongside the state's institutional development.

Scholarship on Identity Politics in Iraq

Although prominent works on Iraq highlighted the difficulties of governing Iraq as a divided society, literature on ethnic conflict in Iraq proliferated following the 2003 invasion and subsequent state collapse.⁷³ Unsurprisingly, such works often engage in a triumvirate analysis of the three dominant ethno-religious communities, the Shi'i, Sunni, and the Kurds as they represent the largest numerical majority and minority factions. Fanar Haddad's seminal work on sectarianism in Iraq is the most comprehensive English source on the topic, but one that views identity politics through the prism of Iraqi-Arab sectarian membership of the country's Shi'i and Sunni communities. A detailed examination of the religious and ideological demonstrates the fluid and often overlapping nature of identity politics in Iraq. The political contestation of the Iraqi state by Shi'is and Kurds is in response to the ethnic dominance of the minority Sunni-Arabs of the state until the collapse of the Ba'thist regime in 2003 particularly as "the state represented not only a monopoly of the power in the hands of the Sunnis but also a political expression of Sunni cultural values."⁷⁴ In order to frame the theoretical and empirical contribution of this work, it is imperative to first explore prominent works particularly those that emerged post-2003.

⁷³ See Hanna Batatu, *The Old Social Classes and the Revolutionary Movements in Iraq* (London: Saqi, 1978); Liora Lukitz, *Iraq: the Search for National Identity* (London: Frank Cass, 1995); Sami Zubaida, "The Fragments Imagine the Nation," *International Journal of Middle East Studies* 34.2 (May 2002).

⁷⁴ Lukitz (1995), 8.

Works on identity politics in Iraq are often meshed with larger works on the political history of the country. Charles Tripp, a historian of Iraq and the Middle East, considers the historical significance of early state formation on contemporary political developments through the analysis of three variables: patrimonialism, Iraq's political economy, and the use of violence.⁷⁵ For Tripp, the moulding of the nascent state after Ottoman institutions and administrative units by the British was purposive of ensuring control over a highly divided society. It is during this early statebuilding period we observe resentment among Shi'i and Kurdish segments of the population over religious dissent and socio-economic disparity over the unbalanced composition of key positions of the newly formed army by urbanized Sunni Arabs and Arabized Kurds and Turks, connected to the previous Ottoman administration.⁷⁶ Consequently, "key state institutions became instruments in the hands of powerful individuals and their followings, encouraging factionalism among officials and throwing into question the nature of their royalties."⁷⁷ As a foundational book for a general history on Iraq, Tripp's work does not solely examine and explain the causal mechanisms that have determined the trajectory of ethnic in Iraq.

Similarly, Toby Dodge highlights critical junctures that resulted in the failure to produce an Iraqi nation following the collapse of the Ottoman Empire and subsequently under the British Mandate. For Dodge, keys obstacles for Britain's approach to governing Iraq was the need to maintain amicable control over governing the state on the one hand,

⁷⁵ Charles Tripp, *A History of Iraq* (Cambridge: Cambridge University Press, 2000) 2-3.

⁷⁶ Tripp, 43-45.

⁷⁷ Ibid, 77-8.

and relinquishing control in order to legitimize the rule of a foreign king (Faisal I, a Hashemite, was the son of the Sharif of Mecca in Saudi Arabia) over a highly divided and diverse population, on the other.⁷⁸ These early structural failures continue to reverberate in post-2003 Iraq as manifested by the presence four interlinked problems: the deployment of extreme levels of organized violence; the use of state resources through a patronage system; the use of oil revenue by the state to make itself autonomous from society; and manipulation of ethnic and sectarian identities as a governing strategy.⁷⁹ Although Dodge acknowledges the highly divisive and plural nature of Iraqi society, his analysis lacks a systematic analysis of the ways in which ethnic elites organized and structured mechanisms that fuelled ethnic divisions.

Stansfield attributes the spike in ethnic violence to the suppression of group identities by the Ba‘th regime which were otherwise contained through coercion.⁸⁰ The collapse of autocratic single-party system in 2003 meant that “the liquidation of the ‘Iraqi state’ and its agents of control (whether of an administrative government), political (the Ba‘ath Party), security (e.g. the *mukhabarat*) or military (the army) nature) also released the patrimonial and coercive pressure which had successfully kept Iraq’s fractious communal ‘mosaic of discord’ together.”⁸¹ Lacking in Stansfield analysis are well-defined variables that have produced and reinforced this exclusive institutional design in Iraq, and how and why ethnic groups respond to institutional pressures, across time.

⁷⁸ Toby Dodge, *Inventing Iraq* (New York: Columbia University Press, 2003) 18-19, 31.

⁷⁹ Dodge (2003), 169.

⁸⁰ Gareth Stansfield, “The Transition to Democracy in Iraq: Historical legacies, resurgent identities and reactionary tendencies,” in *The Iraq War and Democratic Politics*, eds. Alex Danchev and John MacMillan, (New York: Routledge, 2005), 135.

⁸¹ Stansfield (2005), 141.

Conversely, Eric Herring and Glen Rangwala attempt to demonstrate the instrumentalization of ethnic sentiments following state collapse by analyzing the structural and institutional complexities that impeded effective governing strategies following 2003 and “do not accept that the significance of sectarian membership in the construction of Iraqis’ identities has been constant over Iraq’s history.”⁸² Moreover, they posit that the escalation of ethnic saliency is not due to pre-existing configurations, but rather an outcome of the rise of social, political and ideological factors in the modern world fuelled by the lengthy rule of a Sunni-Arab minority over Iraq since its creation, the rise of a global Shi’i activism, institutional rivalries coupled with political and international dynamics that result in the hardening of sectarian identities.⁸³ However, their analysis fails to systematically analyze the historical causal mechanisms that fuelled ethnic mobilization against the state since the period of state formation and subsequently under various autocratic statebuilding periods in response to exclusion and authoritarianism. Citing survey polls taken in 2003 and 2004 that demonstrate Iraqis’ reluctance to adopt sectarian affiliations,⁸⁴ the saliency of group membership became imbued in the compositions of particular neighbourhoods as the conflict progressed that led to the resurgence of sectarian and ethnic attachments. Moreover, figures regarding voluntary repatriation of refugees and internally displaced persons point to groups seeking more ethnically homogenous neighbourhoods to return to.⁸⁵

⁸² Eric Herring and Glen Rangwala, *Iraq in Fragments* (London: Hurst & Company, 2006) 147.

⁸³ Ibid, 248.

⁸⁴ Ibid, 148-149.

⁸⁵ Elizabeth G. Ferris, “The Looming Crisis: Displacement and Security in Iraq,” *Brookings Institute*, (August, 2008), http://www.brookings.edu/~media/Files/rc/papers/2008/08_iraq_ferris/08_iraq_ferris.pdf. See also, International Organization for Migration, “Iraq Displacement and Return 2008 Mid-Year Review,” (2008):

Andreas Wimmer's work on ethno-religious conflict post-2003 provides a historical account of ethno-religious grievances against the state that fuelled the surge in ethnic conflict following the collapse in 2003.⁸⁶ Wimmer attributes the politicization of ethnicity and fragmentation to two variables. First, a weak state where resource access is demarcated along very selective lines that grant certain communities access to political power, equality before the law, and social security, as was the case with the minority Sunni-Arabs in Iraq. Second, civil society institutions and associations were created by state elites and were based on ethnic clientelism as a means of creating a "new power basis and transforming ethnic categories into groups of political solidarity."⁸⁷

While the aforementioned works instructively illuminate the historical and political processes that affected state capacity and statebuilding in Iraq, they fall short of engaging in a systematic and temporal analysis of the causal mechanisms that affected ethnic mobilization against the state throughout formative periods in Iraq's development. This thesis both confirms and challenges the aforementioned works in two ways. It accepts the view adopted by the aforementioned scholars that ethnic discord was neither novel nor necessarily the most salient feature of Iraqi society. Iraqis, as with citizens of many plural and multi-ethnic states, share bonds of conflict and cooperation, and the latter of which is manifested in both the presence of multi-ethnic political parties, such as the Iraqi Communist Party, as well as more urbane forms of cooperation among Iraqi intellectuals,

[http://www.internaldisplacement.org/8025708F004CE90B/\(httpDocuments\)/3D4E8AEED4BBE70CC125748F0038A028/\\$file/Iraq+Displacement+Mid-Year+Review+2008+\(2\).pdf](http://www.internaldisplacement.org/8025708F004CE90B/(httpDocuments)/3D4E8AEED4BBE70CC125748F0038A028/$file/Iraq+Displacement+Mid-Year+Review+2008+(2).pdf); Meg Sullivan, "UCLA Study of Satellite Imagery Casts Doubt on Surge's Success in Baghdad" (Sept. 19, 2008), <http://www.international.ucla.edu/asia/news/article.asp?parentid=97597>.

⁸⁶ Andreas Wimmer, "Democracy and Ethno-religious Conflict in Iraq," *Survival*, 45. 4 (Winter 2003).

⁸⁷ Andreas Wimmer, *Nationalist Exclusion and Ethnic Conflict* (Cambridge: Cambridge University Press, 2002) 173. For an analysis of ethnic conflict in post-2003 Iraq, see Wimmer (2003).

as demonstrated in Orit Bashkin's seminal piece, *The Other Iraq*. This work diverges, and challenges existing works in its identification and analysis of the structural machinations that simultaneously impedes modes of inter-ethnic cooperation that also fuel ethnic discord. In doing so, it analyzes the institutional import at the root of ethnic mobilization. One way it does this is by limiting the parameters of the research agenda to specifically explain the effects of colonial and post-colonial state institutions and ethnic elite behaviour on ethnic fragmentation. Moreover, while the aforementioned works broadly address ethno-religious discord, this thesis adds a nuanced dimension to the study of the relationship between institutions and ethnic discord in Iraq that maps and identifies the effects of two interdependent variables, exclusion and authoritarianism during critical statebuilding periods. Thus, in challenging generalist works on the history and politics of Iraq, this work demonstrates that the upsurge in ethnic violence in the decade proceeding the American-led invasion in 2003 is an outcome of early institutional failures that that enabled ethnic elites, catapulted to power under the British Mandate, to suppress perceived threats to the state through exclusionary and authoritarian governance. This initial development, in addition to the precipitous and expedient statebuilding, I argue, explains the propensity of ethnic elites to reproduce this type of governing pattern following authoritarian breakdown and the formal institutionalization of democratic institutions post-2003.

This work thusly challenges existing scholarship on Iraq in three ways. First, it is the first to address the interplay between state institutions and ethnic mobilization in Iraq. Second, it is the first to adopt a longitudinal explanation of group discord since the time of state formation, with an emphasis on colonial and post-colonial statebuilding. Infusing

a temporal dimension to understanding the relationship between state institutions and ethnic conflict in the given case allows for a more systematic analysis of the dynamics and processes that shape group grievances against the state since the time of state formation and throughout critical statebuilding periods. As a society divided along ethnic, religious, and sectarian lines, Iraq's political development has inextricably been anchored in the historical and contemporary statebuilding processes and early colonial institutional engineering initial. Works relating to post-2003 democratization in Iraq have largely ignored or devalued the role of preceding governing structures and institutions on ethnic mobilization, which this work seeks to remedy.⁸⁸ Third, it is the first work to benefit from applying a historical-institutionalist paradigm to explaining discord and mobilization, while also utilizing both quantitative and qualitative methods to further its empirical contribution, both within political science and area studies.

Grievances, Mobilization and Ethnic Conflict in Iraq

The formation and consolidation of a regionalized state system of the MENA region emerged as a result of the collapse of the Ottoman Empire, European (British and French) foreign policy interests in the region, and the discovery of oil.⁸⁹ In the case of Iraq, British preference for urban Sunni-elites already, armed with military and administrative powers (numerically, a minority in comparison to the Shi'i community), in early institutional

⁸⁸ See, for instance, Larry Diamond, "Building Democracy after Conflict: Lessons from Iraq," *Journal of Democracy* 16.1 (2005); D. L. Byman, "Building the New Iraq: the Role of Intervening Forces," *Survival* 45.2 (2003); Jamal Benomar, "Constitution-Making after Conflict: Lessons for Iraq," *Journal of Democracy* Vol. 15 (2) (2004); and John McGarry and Brendan O'Leary, "Iraq's Constitution of 2005: Liberal Consociation as political prescription," *International Journal of Constitutional Law*, 5 (2007).

⁸⁹ Peter Sluglett, *Britain in Iraq* (New York: Columbia University Press, 2007), 2-4.

building and their role in strengthening and developing the country's petroleum producing capacities, technically and organizationally, shaped ethnic power dynamics in the emergent state.⁹⁰ Moreover, the simultaneous amalgamation of the three Ottoman *vilayets* (provinces) of Mosul, Baghdad, and Basra by the British in their creation of a centralized political entity and a territorially unified state produced a society that was "divided along racial, linguistic, religious, and sectarian lines, which have deeply influenced its political development."⁹¹ Thus, state ownership was a symptomatic outcome of its post-colonial development that demarcated who belonged to the state.⁹²

Identifying state ownership and early modes of ethnic control and dominance is crucial for explaining how early institutional preferences and constraints shaped patterns of governance⁹³ toward excluded segments in Iraq. Since the state holds a monopoly over the legitimate use of force, it is imperative to analyze the reverberating effects of early forms of ethnic dominance and capture of the state by the Sunni-Arab minority under British tutelage and explain the ways in which state institutions became the main apparatus for maintaining hegemonic control and ownership of the state by successive ruling elites. Consequently, governing this fragmented state was less concerned with accounting for the multiplicity of collective interests and more with ensuring the exclusive control of one segment over others. The result was the hardening of ethnic attachments as a response to

⁹⁰ Ayubi, 111.

⁹¹ H. B. Sharabi, *Government and Politics in the Middle East in the Twentieth Century* (Princeton: D. Van Nostrand Company, 1962), 149.

⁹² Andreas Wimmer, "Who Owns the State? Understanding Ethnic Conflict in Post-Colonial Societies," *Nations and Nationalism* 3 (1997): 635.

⁹³ Governance here denotes the "pursuit of collective interests and the steering and coordination of society." See, B. Guy Peters and Jon Pierre, "Governance, Government and the State," in *The State: Theories and Issues* (New York: Palgrave MacMillan, 2006), 209.

both Sunni minority rule and state-sponsored corporatism, which saw the centralization of the basic functioning of the state along clientelistic networks through an organized patronage system characterized by exclusive arrangements and defined by “subordination, encapsulation, and segmentary ‘capture’ of the state apparatus.”⁹⁴ In a sense, external state formation was a catalyst for coagulating ethnic fragmentation that produced patterns of ethnic dominance sustained by a political culture rooted in authoritarianism and exclusion. Consequently, the exclusive feature of the early Iraqi state, designed and, for some time, administered by the British, sustained the state’s despotic power defined by a “range of actions which the elite is empowered to undertake without routine, institutionalised negotiation with civil society groups.”⁹⁵ The lack of institutionalized negotiation with, and inclusion of other segments in the polity marked by the exclusion of the Shi’i majority and minority groups from the state’s institutions and power structures.

The replication of these governing tactics by a new ruling elite illustrates the extent to which past grievances shape actors choices following regime collapse where a democratic opening could have fostered a the emergence of a new political culture. Attributing a historical explanation of ethnic mobilization to the critical period of state formation both provides the contextual framework by which ethnic mobilization can be framed and conceptualized as an outcome of failed statebuilding. Analyzing the historical development of the country’s institutional design overtime provides us with the temporal causal chain for tracing its effects on ethnic conflict both prior to and post-2003.

⁹⁴ Ayubi, 33-34.

⁹⁵ Michael Mann, “The Autonomous Power of the State: its origins, mechanisms and results,” *European Journal of Sociology*, 25.2 (1984): 188.

The American-led occupation in 2003 opened the political space for ethnic groups to openly contest the state and ruling elite. 2003 became a critical juncture that tilted the state toward a democratizing path imposed through an exogenous intervention that dislodged the B'athist state and government resulting in the systematic overhaul of the state that existed for over three decades. Consequently, this abrupt and expedient transformation transposed group grievances, which had been previously suppressed under authoritarian rule, onto an emergent political arena. I argue that a contextual analysis of state institutions along a continuum of state policies is crucial for situating and mapping the evolution and trajectory of ethnic mobilization in deeply divided societies. It is this analytical and empirical gap this research also intends to fill. Rooting the present analysis in a historical explanation enables us to draw “inferences about the causes of specific outcomes in particular cases” to better understand the historic and contemporary relationship between institutions and ethnic fragmentation.⁹⁶ In doing so, I intend to establish a relational and temporal understanding of the impact of early institutional design on the way in which elites governing weak and divided states devise strong institutions that affect the politicization and mobilization of ethnic groups by favouring the dominance of one group over others. The underlying assumption here is that ethnic conflict as a process should be analyzed within a given historical context and that as a tool of sound explanation, history enables us to “make implicit or explicit assumptions concerning

⁹⁶ James Mahoney, Erin Kimball, and Kendra L. Koivu, “The Logic of Historical Explanation in the Social Sciences,” *Comparative Political Studies* 42.1 (2009): 116.

historical origins of the phenomenon and time-place scope conditions for the claimed explanation."⁹⁷

Two reasons underpin the case selection. First, the literature on Iraq and ethnic conflict has yet to systematically account for the impact of early institutional design on group fragmentation (ethnic, religious, and sectarian) during formative statebuilding periods. Second, as demonstrated in Nicos Poulantzas' Marxist analysis of the state and its political power,

The state apparatus—that special and hence formidable something—is not exhausted in state power. Rather political domination is itself inscribed in the institutional materiality of the State. Although the State is not created *ex nihilo* by the ruling classes, nor is it simply taken over by them: state power is written into this materiality. Thus, while all the State's actions are not reducible to political domination, their composition is nevertheless marked by it.⁹⁸

As this study is concerned with power dynamics in a given institutional setting and its impact on group mobilization, it becomes increasingly imperative to examine how the state—as the primary apparatus of both political and institutional domination, affected fragmentation and group mobilization against institutional constraints it imposed on society. I have attributed a high degree of explanatory value to institutions in comparison with other social and economic factors because state institutions, as political and coercive instruments of ruling ethnic elites, define power imbalances, determine resource allocation and distribution, project state ideologies over time, and impose limits on societal contestation of governance. Juxtaposing ethnic mobilization alongside state institutions and state power shifts the focus on ethnic conflict from a primordialist understanding of grievances to a structural analysis of the impact of constraints since “the state's political

⁹⁷ Charles Tilly, “Why and How History Matters,” in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (Oxford: Oxford University Press, 2009) 524.

⁹⁸ Nicos Poulantzas, *State, Power, Socialism* (London: Verso, 2000) 14.

institutions and capabilities structure ethnopolitical groups' choices about the objectives to pursue and the means used to do so."⁹⁹ Likewise, as noted by Gurr, the limitations imposed by elites within a given institutional setting defines an ethnic group's political opportunity structures as the state's resources and administrative capacities limit group opportunities and since the "openness of the political system affects group leaders' choices about whether to participate, protest, or rebel."¹⁰⁰

This study aims to situate the relevance of institutions on ethnic mobilization by converging existing works on governing in divided societies and state formation with historical institutionalism in order to contextualize the ways in which divided societies reproduce governing structures that create and reinforce the saliency of ethnic conflict. Framing ethnic conflict within a state and institutionalist analysis also aids in explaining how institutions create the political opportunity structures (POS) that foster ethnic mobilization against the exclusionary and authoritarian state particularly since a POS "establishes the context in which ethnic movements shape their strategies and tactics, and perhaps their ideologies and goals as well. It furnishes incentives, limitations, permissible boundaries, potentials, and risks that inform the behavior of ethnic entrepreneurs and activists and influence the expectations of their constituents."¹⁰¹ I argue that the institutional configuration of the state and its political capacity during the period of state formation and subsequently under key statebuilding periods defined the POS of excluded ethnic elites and determined their propensity to mobilize against the state.

⁹⁹ Robert Gurr, *Peoples Versus States* (Washington: U.S. Institute of Peace Press, 2000) 81.

¹⁰⁰ Gurr, 81.

¹⁰¹ Esman, 31.

The POS of a given institutional setting exacerbate ethnic saliency in two ways. First, they provide the structural context under which the rules and practices that facilitate or hinder the mobilization of an ethnic movement unfold. Second, a country's POS enables us to examine the strategies and choices that affect how a political regime recognizes the legitimacy of such claims and determine subsequent accommodation measures.¹⁰² Thus, a country's political opportunity structure provides the institutional context that shapes the trajectory of ethnic mobilization and the institutional mechanisms that determine an ethnic movement's ideology, strategies, and tactics. In the case of Iraq, an analysis of the country's POS provides us with the institutional and structural context by which we can analyze the effects of exclusion and authoritarianism under successive regimes on the strategies of ethnic groups.

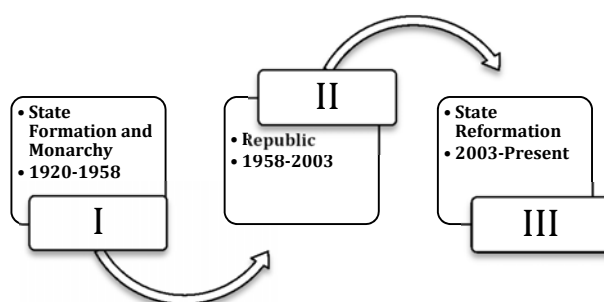
Making institutions the focal point of an analysis of ethnic conflict in Iraq is particularly relevant as the country continues to grapple with institutional incongruities stemming from exogenous statebuilding following an invasion and subsequent occupation. I postulate that understanding the current challenges to governing Iraq requires an analysis of preceding institutions within their given political opportunity structures since the establishment of the Iraqi state that have produced—and continue to reproduce, weak state structures and institutions that exacerbate ethnic conflict.

More precisely, engaging in a historical analysis of institutional design vis-à-vis ethnic conflict requires an examination of Iraq, as a post-colonial state, through three formative periods. These periods serve as critical junctures in the longitudinal analysis of

¹⁰² Ibid, 31-2.

the country's political history as each period has altered the course of the country's institutional design to serve new goals, ideologies, and ruling elite. The periods to be analyzed are i) the 1920 external state formation by the British Mandate, which saw the creation of an externally imposed foreign monarchy in 1932; ii) the emergence of the republic in 1958 following a coup d'état culminating in the rise of the B'ath regime and the subsequent usurpation of power by Saddam Hussein; iii) what I refer to as post-2003 external state reformation following the U.S. led invasion which resulted in the expedient overhaul of the state's political, social, and economic institutions. The analysis of these time periods is illustrated in the figure below:

Figure 4: Temporal Sequence of Iraq's Institutional Analysis



These periods were selected because they constituted a fissure in the political development of the state. As the empirical chapters reveal, the events and processes that developed during these ruptures affected the institutional composition of the state and altered the mobilization calculus of ethnic groups as they renegotiated their position amid new structural and political limitations. As contingent events, all periods mark a shift in the political configuration of the state that ultimately created and recreated authoritarianism

and exclusion.¹⁰³ Although each of these periods experienced variable constraints in the state's capacity to govern, the temporal periods chosen illuminate how modifications to the state's institutional configuration produced new pressures and forms of group contestation of exclusion and authoritarianism. The three periods also serve as intervening variables in that they frame the three major attempts at state building, which aids in developing explanation in a causal theory.¹⁰⁴

A demonstrated, a systematic analysis of the effects of historical processes that produced the ethnic dominance enabled excluded ethnic elites to look to past grievances to mobilize and legitimize their renewed claim to the state following autocratic breakdown. An analysis of the difficulty of governing Iraq as a divided society must account for the temporal development of the country's institutional design during formative time periods in order to frame the trajectory of ethnic conflict as an outcome of failed statebuilding.

Historical Institutionalism and Ethnic Conflict: Testing the Applicability of a Paradigm

In the following section, I demonstrate the need to infuse a longitudinal historical institutionalist approach in order to better ascertain the impact of institutions on past and contemporary ethnic strife by situating their evolution along a historical continuum. I postulate that a historical explanation is instructive for making "sequences of linked causal

¹⁰³ James Mahoney and Celso M. Villegas, "Historical Enquiry and Comparative Politics," in *The Oxford Handbook of Comparative Politics*, eds. Carlos Boix and Susan C. Stokes (New York: Oxford University Press, 2007), 79-80.

¹⁰⁴ Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca: Cornell University Press, 1997), 11.

factors” as “outcomes are explained by connected events that unfold over time.”¹⁰⁵ The application of this model to this inquiry is necessary in order to analyze the ways in which institutions not only shape actors strategies (as advocated by the rational choice approach) but their goals, relations of conflict and cooperation, and how they shape political situations and determine political outcomes.¹⁰⁶ Moreover, a detailed historical analysis of Iraq’s institutional development demonstrates how ethnic elites both shaped institutions to maintain their dominance and how excluded ethnic groups responded to such constraints. Placing institutions as the central variables of analysis helps to better explain the processes that have produced exclusionary state structures that reinforce ethnic saliency.

Since this study is concerned with analyzing how state institutions affect ethnic mobilization in divided societies like Iraq, it is imperative to identify critical historical moments that have shaped the country’s institutional design including critical ruptures such as military coups and autocratic consolidation as well as gradual and incremental changes stemming from the policies of successive governments that shaped ethnic exclusion. As succinctly noted by Tilly, comparing and analyzing large structures and processes allows for a historically-grounded and systematic analysis of past and current conditions, which aids in understanding causes and effects of a particular phenomenon.¹⁰⁷ For the present inquiry, the relevance of situating history within the broader analysis of

¹⁰⁵ James Mahoney, Erin Kimbal, and Kendra L. Koivu (2009): 128.

¹⁰⁶ Kathleen Thelen and Sven Steinmo, “Historical Institutionalism in Comparative Politics,” in *Structuring Politics: Historical Institutionalism in Comparative Politics*, eds., Sven Steinmo, Kathleen Thelen, and Frank Longstreth (New York: Cambridge University Press, 1992), 9.

¹⁰⁷ Charles Tilly, *Big Structures, Large Processes, Huge Comparisons* (New York: Russel Sage Foundation, 1984) 2, 11.

state institutions in divided societies is that “the past exerts this sort of influence over us is the central claim of history as a discipline, and that is the peculiar emphasis it imparts to its various forms of institutionalism.”¹⁰⁸ Historical institutionalism facilitates such a historical analysis as it places emphasis on the processes and junctures that determine the development of state institutions and state-society interactions in a given temporal setting. In the case of Iraq, ethnic conflict is both a product and a reflection of the country’s early institutional design that, since the critical period of state formation, produced exclusive state structures and institutions. Consequently, we observe a pattern whereby early and successive institutional constraints imposed by ruling elites fuelled ethnic grievances among ethnic groups excluded from governing structures.

As an approach, historical institutionalism investigates the construction, maintenance, and adaptation of institutions¹⁰⁹ and encompasses both formal organizations and informal rules and procedures that define and organize behaviour.¹¹⁰ Moreover, and particularly relevant to this work, is the ways “institutions structure relations of power among contending groups in society, and especially the focus on the *process* of politics and policy-making within given institutional parameters.”¹¹¹ Although institutions have widely been used as variables for explaining micro-level socio-economic and political transformations and to explain the survival and continuity of authoritarian regimes,¹¹²

¹⁰⁸ Robert E. Goodin, “Institutions and their Design,” in *The Theory of Institutional Design*, ed. Robert E. Goodin (Cambridge: Cambridge University Press, 1996), 4.

¹⁰⁹ Elizabeth Sanders, “Historical Institutionalism,” in *The Oxford Handbook of Political Institutions*, eds., R.A.W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2008).

¹¹⁰ Thelen and Steinmo, 2.

¹¹¹ *Ibid*, 9.

¹¹² See Dan Slater, “Altering Authoritarianism: Institutional Complexity and Autocratic Agency in Indonesia,” in *Explaining Institutional Change: Ambiguity, Agency, and Power*, eds., James Mahoney and Kathleen Thelen (New York: Cambridge University Press, 2010).

research on institutional design and governing in divided societies has largely focused how institutions shape political outcomes while ignoring the historical development of institutions as sources of contention.

Diverging from this, I argue that a historical analysis of institutional formation and transformation demonstrates how and why institutions defined the parameters of inclusion and exclusion. This, in turn, can explain the dynamics and processes that produce ethnic dominance and its effect on post-conflict transitions of a state experiencing protracted ethnic conflict like Iraq. Thus, historical institutionalism, as a paradigm for surveying the way institutions shape power relations and reinforce power asymmetries, can bridge an empirical and conceptual gap by deconstructing the processes of change that have affected institutional design in divided societies.

Accordingly, a longitudinal examination of the processes of institutional development and change requires an analysis of the critical moments that pivot a state's institutional configuration to accommodate emerging processes of change and the elites that accompany them. Such critical junctures represent ruptures in the ordinary functioning of the state that produce a divergent path that "place institutional arrangements on paths or trajectories, which are then very difficult to alter."¹¹³ In other words, critical junctures modify preceding institutional arrangements and decisively alter institutional and political outcomes, which, in turn, modify how excluded groups negotiate their position within the state and with incumbent elites. For Mahoney, this deterministic effect is a product of the formation of persistent institutional arrangements that are not receptive

¹¹³ Paul Pierson, *Politics in Time* (Princeton: Princeton University Press, 2004), 135.

to change and transformation.¹¹⁴ This study treats the three previously mentioned time periods of Iraq's history as critical junctures because each time period affected and altered both the country's institutional configuration and the mobilizing calculus of suppressed and excluded groups.

To reiterate, I take the position that ethnic mobilization and conflict in Iraq evolved as a sequential response to the state's exclusionary institutional design at the critical time of state formation that set the path by which successive ethnic elites came to dominate the state under authoritarian governments. The mobilizing incentives that fuelled group grievances against the state rested less with discord between Iraq's ethno-religious groups than with the capturing of the state by a narrow group of ruling elites that institutionalize exclusion through authoritarian means. As will be demonstrated in the proceeding chapter, historical institutionalism enables us to map the temporal causal mechanisms that structure political behaviour and that have affected the patterns of exclusion and ethnic dominance in Iraq. As the empirical chapters will demonstrate, framing and explaining ethnic conflict in Iraq (as the dependent variable) on a continuum of failed institutional design (as an independent variable) throughout the three formative time periods (as the intervening variables) enables us to reconceptualise the mobilizing conditions that shape group grievances since the time of state formation. I utilize archival data to specifically illuminate how and why institutional engineering at the onset of state formation and early colonial statebuilding set the parameters for ethnic dominance and determined subsequent mobilization against the emergent state. Likewise, exploring regime-society relations

¹¹⁴ James Mahoney, "Path-Dependent Explanations of Regime Change: Central America in Comparative Perspective," *Studies in Comparative International Development* 36.1 (2001): 114.

using state archives of the Ba’th government aids in explaining how authoritarian regimes both capture power but also maintain ethnic dominance as a tool for controlling and governing a divided society. I utilize quantitative statistical analysis to demonstrate the socio-economic and political variables that affect statebuilding following authoritarian breakdown and externally-imposed democratization in order to better explain the institutional conditions that have affected ethnic mobilization since 2003. This work also benefits from interviews of both ethnic elites to complement the aforementioned methods. The interview selection pool included Paul Bremer, the former head of the Coalition Provisional Authority (CPA) to shed light how and why ethnic dynamics shaped institutional engineering choices in a post-Ba’thist Iraq.

Dissertation Overview

The Argument

The central argument is that institutions matter, and a divided society’s early institutional setup during the critical period of state formation determines that state’s sequential response to subsequent conflicts during critical statebuilding periods. Institutional choices provide the political opportunity structures that define and determine the trajectory of ethnic mobilization in divided societies by imposing structural limitations that favor the ethnic dominance of one group over others. I view ethnic discord in Iraq as a symptomatic outcome of causal processes that have been unfolding overtime and linked to the country’s institutional configuration and transformation throughout critical statebuilding periods that produced varying patterns of ethnic dominance.¹¹⁵ The post-2003 breakdown of the

¹¹⁵ Pierson (2003), 180.

authoritarian order simply provided the opportunity structure for previously suppressed and excluded groups to emerge as political contenders vying for a stake in the state and its confines of power. Moreover, the shifting patterns of ethnic dominance and re-dominance of the state by previously excluded groups since 2003 reflects an egregious failure of new ruling elites to both refrain from repeating previous authoritarian patterns of governance and their failure to devise inclusive institutions that could accommodate past and emerging group grievances.

Framing ethnic conflict alongside Iraq's institutional development by focusing on its origins, development, and transformation is crucial for understanding the processes and mechanisms that affected its trajectory. I argue that the interplay between ethnic power asymmetries and early institutional design during the critical time of state formation cemented ethnic power relations. Overtime, institutional barriers enabled the ethnic dominance of the state by a particular group while ethnic elites adapted and transformed the institutional playing-field to maintain a particular ethnic status quo. Thus, a historical explanation also enables us to identify the path dependent sequences that produce and sustain ethnic fragmentation in divided societies since "the past affects the future; initial conditions are causally important; contingent events are causally important; historical lock-in occurs; a self-reproduction sequence occurs; a reactive sequence occurs."¹¹⁶ Elucidating the role of state institutions alongside ethnic elite behaviour facilitates the development of a nuanced understanding of the interplay between the state and its divided society.

¹¹⁶ James Mahoney and Daniel Schensul, "Historical Context and Path Dependence," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (Oxford: Oxford University Press, 2009), 457.

I postulate that ethnic conflict in divided societies emerges as a process rather than an abrupt rupture in the state's structural and institutional composition.¹¹⁷ Specifically, as a social process, it unfolds overtime at varying speeds with divergent outcomes in a given state and within a given institutional setting.¹¹⁸ In the given case, this process is preconditioned by the presence of two interdependent variables: authoritarianism and exclusion that produce and reproduce patterns of ethnic dominance that result in group mobilization against the regime. This mobilization can be an outcome of fear, hatred, rage, and resentment as emotive factors that fuel ethnic hostility toward the state and its ruling elite.¹¹⁹ As this work attempts to demonstrate, conceptualizing these variables requires a temporal analysis of their evolution overtime and in a given institutional setting.

My preliminary findings point to the presence of two critical variables that have affected ethnic mobilization resulting in the articulation of violent conflict we observe since 2003—namely, exclusion and authoritarianism within Iraq's governing institutions and the rejection and failed consolidation of the exogenously imposed democratic order.

Dissertation Outline

The dissertation is structured as follows. The second chapter is a theoretical exploration of the utility and applicability of historical institutionalism as the main theoretical paradigm underpinning the analytical component of this thesis. I argue that

¹¹⁷ See Milton Esman's analysis of the paradigms of ethnic conflict in *Ethnic Politics* (Ithaca: Cornell University Press, 1994) 46.

¹¹⁸ Paul Pierson, "Big, Slow-Moving, and...Invisible: Macrosocial Processes in the Study of Comparative Politics," in *Comparative Historical Analysis in the Social Sciences*, eds., James Mahoney and Dietrich Rueschemeyer (New York: Cambridge University Press, 2003), 181.

¹¹⁹ Roger D. Petersen, *Understanding Ethnic Violence* (Cambridge: Cambridge University Press, 2002), 2.

conceptualizing role of institutions in divided societies through the application of historical institutionalism as a paradigm that emphasizes a longitudinal analysis of political and social processes is constructive for both understanding the factors that precipitated ethnic violence and for developing nuanced ethnic conflict regulation strategies that takes seriously the impact of preceding institutions on group grievances and mobilization following authoritarian breakdown. I draw on the methodological toolkits found in the analyses of institutional formation and transformation and test their explanatory clout for the given inquiry.

Chapter three marks the first critical juncture of Iraq's statebuilding and identifies the historical conditions that led to the emergence of the Iraqi state as a colonially created state. As the first sequence in the temporal causal chain, and through a close scrutiny of archival British colonial archival sources, it examines the institutional legacies that were created by Britain under the British Mandate, the factors that led to the formation of the monarchy and emergent modes of inclusion and exclusion that cemented early patterns of Sunni-Arab domination of the state and its governing structures that set the foundation for ethnic discord in an deeply divided society. I posit that colonial policies favoured the ethnic dominance of the Sunni-Arabs as a policy for controlling the nascent state to accommodate British colonial and later imperial interests in the region.

In chapter four, I analyze institutional and political factors under the monarchy that contributed to its subsequent collapse following a military coup in 1958 and the subsequent emergence of the first Iraqi republic. The chapter identifies ideational and material causes of the revolution and the processes that led to the subsequent Ba'thist takeover in 1968 that cemented single-party autocratic rule until 2003. In the given time

frame, I identify and explain how and why institutional exclusion and authoritarian governance under this time period fostered ethnic grievances against the state and the regime by large segments of the population. Using Ba‘th party archives, state documents, and elite interviews, I demonstrate that Ba‘thist ideology, rooted in Pan-Arabism, enabled the regime to penetrate society and imposed a nationalist vision of the state predicated on Sunni-Arab rule. This resulted in two outcomes. First, ethnic and religious groups not tied to the minority-ruling regime were excluded from the state and sought other means of contesting the state and regime. Second, the regime’s imposition of a monolithic identity and its monopolization of the state’s governing institutions obviated the formation of a civic culture based on common and shared notions of citizenship. Consequently, this both led to the ethnification of grievances and cemented the rejection of the state by the majority Shi’i and minority groups such as Kurds, Turkmen, Assyrians, Yazidis, and Mandeans who were excluded, and, at various times, suppressed by the state.

In accounting for the institutional causal mechanisms that shaped group grievances prior to 2003, chapter five analyzes the institutional and political factors and processes that have exacerbated ethnic tensions resulting in the failure to institutionalize democracy following authoritarian breakdown. I posit that preceding institutional and governing legacies have had a profound affect on the governing patterns of ethnic elites catapulted to power resulting in the replication of preceding exclusionary and authoritarian patterns of governance to the inability of ruling elites to consolidate and address group grievances.

The dissertation concludes by emphasizing the relevance of engaging in a contextual analysis of the temporal and causal mechanisms that have affected governing

Iraq as a divided society. I posit that the persistence of exclusion and authoritarianism has had a reverberating effect on ethnic mobilization against the state throughout formative statebuilding periods. Moreover, if we accept the claim that ethnic conflict is a process that unfolds over time, during various conjunctures, and as a sequential response to institutional barriers, we observe that failed statebuilding following regime collapse and the institutionalization of formal democracy in Iraq can be explained by examining historical patterns of governance during critical statebuilding periods that cemented group grievances against the state.

Chapter Two

Historical Institutionalism and Ethnic Conflict: an Institutional Explanation of Discord in Divided Societies

History Matters. It matters not just because we can learn from the past, but because the present and the future are connected to the past by the continuity of a society's institutions. Today's and tomorrow's choices are shaped by the past. And the past can only be made intelligible as a story of institutional evolution.

Douglas C. North, *Institutions, Institutional Change, and Economic Performance* (Cambridge: Cambridge University Press, 1990), *Preface*, vii.

Introduction

This chapter serves two purposes. First, to theoretically engage with a comparative historical analysis of institutional design and ethnic conflict in Iraq by applying historical

institutionalism as an approach to the sequential study of institutional formation and transformation. The application of this approach stems from the need to go beyond current explanations within the contemporary literatures elaborated in the previous chapter in order to provide a nuanced analytical explanation for framing and reconceptualizing the current puzzle of why it has been difficult to govern Iraq. Second, and building on the toolkits found within historical institutionalism, I adopt an alternative theoretical model for conceptualizing and contextualizing institutions and institutional design in divided societies based on the two interlinked variables of authoritarianism and exclusion. Whereas this work builds on the existing literature of institutional formation and change, it proposes an institutionalist explanation underpinning the relationship between state institutions and ethnic conflict in post-colonial divided societies like Iraq. The application of historical institutionalism to the study of ethnic conflict as a social process enables us to analyze the processes that concern the macroscopic development of institutions and organizations as well as aggregates of people overtime.¹²⁰ I argue that the emphasis on the historical and temporal evolution of institutions vis-à-vis ethnic conflict is crucial for developing a causal explanation of ethnic mobilization that emphasizes a close scrutiny of initial state founding conditions that produce forms of exclusion and authoritarianism that set the path by which successive ethnic elites replicate for governing a divided state.

Chapter Outline

¹²⁰ Paul Pierson and Theda Skocpol, "Historical Institutionalism in Contemporary Political Science," in *Political Science: State of the Discipline*, eds., Ira Katznelson and Helen V. Milner (Washington: W. W. Norton & Company, 2002), 705.

The chapter is structured as follows. I begin by defining and examining the applicability of historical institutionalism as an approach for mapping institutional change along a sequential continuum of state policies. Crucial to this analysis is an examination of path dependence and critical junctures as toolkits that facilitate a historical and temporal inquiry of institutional formation and transformation. In the second section, I elucidate the importance of a historical institutionalist explanation of ethnic conflict by focusing on two interlocking variables: exclusion and authoritarianism. After defining the variables and their application, I proceed by demonstrating how they will be operationalized as explanatory causal mechanisms in the given case. The final section outlines the research design and methodology of this study by examining the utility of a comparative historical analysis, single-case study research design, and process tracing.

A Historical Institutional Explanation of Ethnic Conflict

Although historical institutionalism (HI) emerged largely throughout the 1970s and 1980s as an alternative explanation for the development of democratic institutions based on stable economic growth post-WWII,¹²¹ political scientists¹²² have adopted it as an approach for analyzing institutional change and continuity as it places institutions on a continuum of state policies in order to divulge the function of institutions as “political legacies of past historical struggles.”¹²³ Pierson and Skocpol outline three main features

¹²¹ Elizabeth Sanders, “Historical Institutionalism,” in *The Oxford Handbook of Political Institutions*, eds., R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2009), 40-41.

¹²² For a succinct analysis of the main traditions for studying institutional change in political science, see R.A.W. Rhodes, “Old Institutionalism,” in *The Oxford Handbook of Political Institutions*, eds., R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2009), 142-43.

¹²³ Mahoney and Thelen (2010), 7.

of a historical-institutionalist approach: substantive agendas that address big questions of interest to academics and non-academics alike; temporal arguments that specify the sequence of events and transformative processes; and, lastly, historical institutionalist scholars emphasize contexts and configurations in the formulation of hypotheses about the effects of institutions.¹²⁴ It provides an instructive analysis that goes beyond taking snapshot views of political interactions by focusing instead on the construction, maintenance, and adaptation of institutions overtime.¹²⁵ As an approach for studying institutional change, it underscores real-world empirical questions, historical orientation, and the role of institutions as mechanisms for structuring and shaping behaviors and outcomes in a polity.¹²⁶

Three approaches dominate comparative institutional analysis (namely, rational choice institutionalism, historical institutionalism, and sociological institutionalism).¹²⁷ Thelen and Steinmo note that historical institutionalism attributes a greater role to institutions as variables that both shape politics and political history.¹²⁸ Viewed in this way, historical institutionalists are not only interested in how institutions shape actors' strategies, but how the institutional context also determines the goals actors pursue.¹²⁹ Since the institutional context can aid in determining the factors that affect actors' behavior within a given institutional setting, it also facilitates a temporal investigation of

¹²⁴Pierson and Skocpol (2002), 695-96.

¹²⁵ Sanders, 42.

¹²⁶ Sven Steinmo, "Historical Institutionalism," in *Approaches and Methodologies in the Social Sciences*, eds., Donatella Delta Porta and Michael Keating (Cambridge: Cambridge University Press, 2008), 118.

¹²⁷ Kathleen Thelen, "Historical Institutionalism in Comparative Politics," *Annual Review of Political Science*, 2 (1999): 369.

¹²⁸ Thelen and Steinmo, 7.

¹²⁹ Ibid, 8.

why a divided society's early institutional design is significant for explaining the state's sequential response to ethnic mobilization. This can also have implications for understanding its success or failure to mitigate future conflicts depending on the extent to which the state is willing to alter or transform its institutional configuration to adapt to rising communal claims. The present inquiry benefits from the emphasis on temporality and the identification of causal mechanisms found in the application of a historical institutionalist paradigm to analyzing the structural drivers of ethnic saliency and mobilization in multi-ethnic states like Iraq. Adopting a historical institutionalist approach to identifying, explaining, and understanding group mobilization and ethnic conflict in divided societies confirms its utility in two ways. First, it demonstrates the applicability of HI as an approach for temporally engaging with a systematic analysis of the evolution and transformation of institutions, overtime. Second, I emphasize HI's reliance on context to demonstrate the importance of situating mobilization as *but one dimension* of state-society relations—one that accounts for the institutional conditions underpinning ethnic and religious grievances and discord against the state. Broadly, contemporary works on HI advance research agendas relating to the socio-economic and political developments and democratization across Western Europe and North and South America.¹³⁰

¹³⁰ See, for instance, seminal works by Barington Moore Jr. *The Social Origins of Democracy and Dictatorship* (New York: Free Press, 1966); *Structuring Politics: Historical Institutionalism in Comparative Analysis*, eds., Sven Steinmo, Kathleen Thelen and Frank Longstreth (New York: Cambridge University Press, 1992); on the role of history and temporality in the study of democratization, see Giovanni Capoccia and Daniel Ziblatt, "The Historical Turn in Democratization Studies: a New Research Agenda for Europe and Beyond," *Comparative Political Studies* 43 (8/9): 931-968; James Mahoney and Daniel Schensul, "Historical Context and Path Dependence," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (Oxford: Oxford University Press, 2009), 454-471; James Mahoney, Erin Kimball, and Kendra L. Koivu, "The Logic of Historical Explanation in the Social Sciences," *Comparative Political Studies* 42.1 (2009): 114-46; James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in *Explaining Institutional Change: Ambiguity, Agency, and Power*, eds., James Mahoney and Kathleen Thelen

For the given inquiry, HI facilitates and advances a structural explanation of ethnic discord in divided, post-colonial states as a determining factor for assessing state-society relations. HI's emphasis on preceding conditions manifested through a temporal exploration of how and why institutional causal mechanisms affect the trajectory of a given phenomenon provides nuanced empirical and theoretical flexibility to explaining and understanding the roots of group grievances and mobilization at the heart of the debate on identity politics in Iraq. It also affords the research the ability to clearly delineate the causal mechanisms underlying the central variables of this study, namely ethnic mobilization, exclusion and authoritarianism.¹³¹ Moreover, as succinctly noted by Lieberman, identifying and analyzing sequences of events, processes, and outcomes within a given comparative and longitudinal analysis advances causal relations since "causes must precede effects."¹³² I posit that historical institutionalism assists in developing a nuanced understanding of institutional transformations that underscores causes and effects within a given temporal setting both during critical junctures and under incremental changes during prolonged periods of stability, both of which are consequential for understanding Iraq's ethnic conflict vis-à-vis institutional design. The analysis of Iraq's institutional configuration focuses on three time periods that represent

(Cambridge: Cambridge University Press, 2010); and most recently, James Mahoney and Kathleen Thelen, *Advances in Comparative Historical Analysis* (New York: Cambridge University Press, 2015).

¹³¹ Causal mechanisms here refer to "unobserved entity that—when activated—generates an outcome of interest." As processes, they aid in identifying various observable phenomena and situating them within existing frameworks, which can also aid in conceptualizing new correlations between previously undiscovered variables. See James Mahoney, "Beyond Correlational Analysis: Recent Innovations in Theory and Method," *Sociological Forum*, 16.3 (September, 2001): 380-81. See also Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005), 137.

¹³² Evans S. Lieberman, "Causal Inference in Historical Institutional Analysis: a Specification of Periodization Strategies," *Comparative Political Studies* 34, no. 9 (November 2001): 1016-17.

ruptures in the ordinary functioning of the Iraqi state: i) exogenous state formation by British colonial powers in 1920 and the imposition of a foreign monarchy in 1932-1958; ii) the birth of the republic in 1958 following a coup d'état culminating in the rise of the B'ath regime and the subsequent usurpation of power by Saddam Hussein; iii) external state reformation following the 2003 U.S. led invasion. These time periods were chosen because they abruptly and incrementally transformed the country's institutional composition in its treatment of ethnic and religious discontent and mobilization. Equally relevant to this discussion is an exploration of institutional causal mechanisms that have hindered national unity resulting in Iraq's struggle with democratic transition under the latter state reformation period.

Before delving into an explanation of the relationship between institutions and ethnic conflict, the section below defines institutions as variables of analysis that underscore the empirical chapters of this study. This conceptual background is necessary for framing the scope of the particular phenomenon being observed and explained and is a crucial first step in order to situate the historical and contemporary relationship between institutions and ethnic conflict in divided societies and in this case, Iraq.

Institutions: Fusing the Structural-Societal Divide

Although scholars have attempted to provide some variables by which the effects and processes of institutions and institutional change can be measured and analyzed, there is much debate on defining them. Since this study is an analysis of the formation, transformation, and reformulation of political institutions vis-à-vis state-society relations in Iraq, their centrality becomes more apparent as variables that can better "explain

historical continuities and cross-national variations in policy.”¹³³ Equally relevant is the extent to which institutions shape the behavior of political actors and effectively dictate political outcomes.¹³⁴ Further, and as succinctly noted by Varshney, the design of a divided country’s political institutions can “explain why some multiethnic societies have violence, and others, peace.”¹³⁵

For the purpose of the present inquiry, I adopt Thelen and Steinmo’s definition of institutions as mechanisms that encompass both formal organizations and informal rules and procedures that define and organize behaviour.¹³⁶ Moreover, and particularly relevant to this work, is the way “institutions structure relations of power among contending groups in society, and especially the focus on the *process* of politics and policy-making within given institutional parameters.”¹³⁷ As succinctly noted,

In sum, institutions are not just another variable, and the institutionalist claim is more than just that ‘institutions matter too.’ By shaping not just actors’ strategies (as in rational choice), but their goals as well, and by mediating their relations of cooperation and conflict, institutions structure political situations and leave their own imprint on political outcome.¹³⁸

To better situate the relevance of an institutional understanding of ethnic mobilization

¹³³ Peter Hall, *Governing the Economy* (New York: Oxford University Press, 1986), 19.

¹³⁴ I adopt Guillermo A. O’Donnell’s definition of political actors as “social sectors (classes, groups, and organizations) whose political activation enables their leadership to participate on a continuing basis in the national political process. See, Guillermo A. O’Donnell, *Modernization and Bureaucratic-Authoritarianism* (California: Institute of International Studies, University of California, Berkeley, 1973), 29.

¹³⁵ Ashutosh Varshney, “Ethnicity and Ethnic Conflict,” in *The Oxford Handbook of Comparative Politics*, eds., Carles Boix and Susan C. Stokes (New York: Oxford University Press, 2009), 289.

¹³⁶ Kathleen Thelen and Sven Steinmo, “Historical Institutionalism in Comparative Politics,” in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, eds., Sven Steinmo, Kathleen Thelen, and Frank Longstreth, (Cambridge: Cambridge University Press, 1992), 2. For other widely used definitions, see Peter Hall, *Governing the Economy* (New York: Oxford University Press, 1986), 19; W. Richard Scott, *Institutions and Organizations*, 3rd Ed. (Thousand Oaks, CA: Sage Publications, 2008), 48; and Avner Greif, *Institutions and the Path to the Modern Economy* (Cambridge: Cambridge University Press: 2006), 30, to name a few.

¹³⁷ Thelen and Steinmo, 9.

¹³⁸ Ibid.

underpinning the present inquiry, I contend that elites devise institutions in order to structure relations of power in authoritarian divided societies where they function to perpetuate asymmetrical relations of ethnic inclusion and exclusion that produce varying dynamics of ethnic dominance during formative statebuilding periods. This, I argue, provides the mobilizing incentives among contending ethnic groups to reject and contest the state. Infusing the structural with the functional aids in capturing how the constraints that determine vertical power asymmetries between ruling elites and contending ethnic groups over the three formative time periods in Iraq become institutionalized—that is, the “process by which organizations and procedures acquire value and stability.”¹³⁹ The *acquired* value gives institutionalization a temporal dimension that enables ethnic elites to adapt (as will be observed under the monarchical and Ba‘thist regimes) or where previously excluded incumbent elites reorient state institutions toward the reproduction of the causal mechanisms that fuelled ethnic discord in the past under a new institutional setting (as we observe post-2003). Thus, under all time periods, we see that Iraqi elites operating within state and its agencies sanction exclusion and authoritarianism through “established rules, monitor conformity and exert sanctions if necessary.”¹⁴⁰

The focus on institutions is crucial as they “specify what can be done, by and to whom, for what purposes, and when, but also what happens when the rules are breached and who decides when they are.”¹⁴¹ Similarly, explaining the effects of state institutions

¹³⁹ Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), 12.

¹⁴⁰ Marie-Laure Djelic and Sigrid Quack, *Globalization and Institutions* (UK: Edward Elgar Publishing, 2003), 19.

¹⁴¹ Margaret Levi, James Johnson, Jack Knight, and Susan Stokes, “Introduction,” in *Designing Democratic Government: Making Institutions Work*, eds., Margaret Levi, et al. (New York: Russell Sage Foundation, 2008), 2.

on ethnic conflict is imperative since “institutions rest on a set of ideational and material foundations that, if shaken, open possibilities for change.”¹⁴² Within the given context, institutions produce and define power imbalances during various statebuilding periods where incumbent ethnic elites alter the ideational and material conditions to maintain and sustain their grip on power from the previous regime. Delineating the effects of institutional constraints on ethnic mobilization requires an exploration of the ideational and material constraints imposed by ethnic elites that result in exclusion and authoritarian governance. While some of Iraq’s institutions have existed since the time of state formation, I have selected key political institutions¹⁴³ that corresponded with the given time periods to be analyzed throughout the empirical chapters. The institutions include constitutions, the National Assembly and Parliament, the administration, the army, the security and intelligence apparatus, Ba’thist as an ideological variable that infiltrates institutions, and consociational and power-sharing design for the post-2003 period. The institutional analysis of ethnic conflict proposed here shares theoretical insights from Lieberman and Singh’s analysis that endogenizes ethnic identity formation within a given institutional setting, noting that “when institutions create or reify intergroup comparisons, this signals that a dividing line exists between “us and “them,” priming relational status concerns and shaping how subsequent facts are likely to be interpreted within a political

¹⁴² Thelen (1999): 397.

¹⁴³ I find Posner’s explanation of political institutions using the analogy of a cards game useful. For Posner, political institutions “explain, first, why players’ hands contain the cards they do and, then, why the players play one of these cards rather than another. They also explain why one player or set of players ultimately wins the game.” See Daniel N. Posner, *Institutions and Ethnic Politics in Africa* (New York: Cambridge University Press, 2005), 3.

context.”¹⁴⁴ and the extent to which they not only structured the state, but have also defined the extent in which the state was able to penetrate all aspects of social and political spheres in Iraq. Second, their presence throughout Iraq’s formative statebuilding periods sets a path dependent trajectory that enables us to measure their evolution and transformation and their impact on ethnic mobilization.

In the proceeding section, I explore the toolkits within historical institutionalism that facilitate an institutional explanation of ethnic mobilization in order to assess their applicability to the present case study. The application of path dependence to the analysis of institutional formation and transformation is predicated on two analytical claims: first, it involves identifying “crucial founding moments of institutional formation that send countries along broadly different developmental paths; the second suggests that institutions continue to evolve in response to changing environmental conditions and ongoing political manoeuvring but in ways that are constrained by past trajectories.”¹⁴⁵ Hence, I examine path dependence as a tool to structure the empirical schema by which the temporal, sequential, and consequential (feedback mechanisms) development of Iraq’s state institutions are identified and measured.

Path Dependence, Temporality, and Institutional Change in Iraq

As previously noted, this work relies heavily on identifying and mapping the causal

¹⁴⁴ Evan S. Lieberman and Perna Singh, “The Institutional Origins of Ethnic Violence,” *Comparative Politics* (October 2012): 2.

¹⁴⁵ Kathleen Thelen, (1999): 387. Thelen’s explanation is based on Ikenberry’s characterization of “critical junctures and developmental pathways,” see, G. John Ikenberry, “History’s Heavy Hand: Institutions and the Politics of the State,” Unpublished Manuscript, Presented at Conference on New Perspectives on Institutions, University of Maryland, (October 1994): 16.

mechanisms during critical periods or ruptures that produced institutional change in order to both deconstruct and contextualize the ways in which institutions form and transform, overtime.¹⁴⁶ As succinctly noted by Ikenberry, a state's institutional composition is the "outcome of a confluence of historical forces that shape and reshape the state's organizational structure."¹⁴⁷ I argue that the development of Iraq's institutions is fundamentally linked to the historical forces (both internal and external) that shaped the state's formation and transformation. Situating this relationship between state institutions and ethnic conflict on a continuum of various attempts at statebuilding requires the identification of the sequence of events that affected the ways in which the Iraqi state responded to ethnic claims. Before delving into developing the proposed theoretical model, some definitions of the present toolkits are necessary in order to frame their relevance within the given case study.

Broadly, path dependence refers to "historical sequences in which contingent events set into motion institutional patterns or event chains that have deterministic properties"¹⁴⁸ or "dynamic processes involving positive feedback, which generate multiple possible outcomes depending on the particular sequence in which events

¹⁴⁶ For some of the most prominent, cross-comparative studies historical institutionalist studies, see: Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 2001); Theda Skocpol, *States and Social Revolutions: a Comparative Analysis of France, Russia, and China* (Cambridge: Cambridge University Press, 1979); Ruth Berins Collier and David Collier, *Shaping the Political Arena* (Princeton: Princeton University Press, 1991); More recently, Paul Pierson, *Politics in Time* (Princeton: Princeton University Press, 2004); Wolfgang Streeck and Kathleen Thelen, eds., *Beyond Continuity: Institutional Change in Advanced Political Economies* (New York: Oxford University Press, 2005); Daniel Ziblatt, *Structuring the State: the Formation of Italy and Germany and the Puzzle of Federalism* (Princeton: Princeton University Press, 2008); and James Mahoney and Kathleen Thelen, eds., *Explaining Institutional Change* (New York: Cambridge University Press, 2010).

¹⁴⁷ Ikenberry, 7.

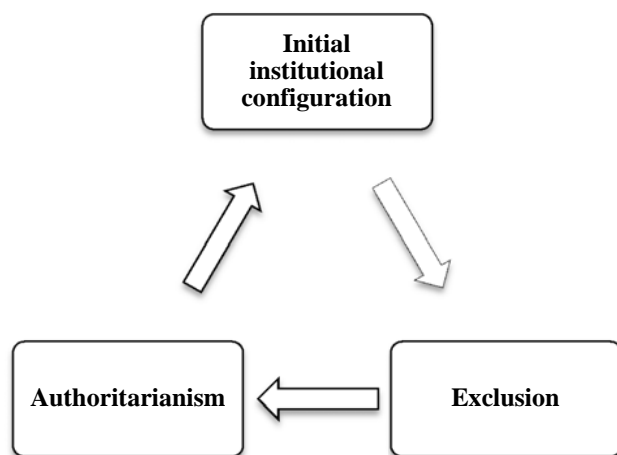
¹⁴⁸ James Mahoney, "Path Dependence in Historical Sociology," *Theory and Society*, 29 (2000): 507.

unfold.”¹⁴⁹ The relevance of path dependence to the study of institutions and ethnic conflict is best captured by Pierson’s analysis of political life in noting,

The key features of political life—public policies and (especially) formal institutions—are change-resistant. Both are generally *designed* to be difficult to overturn for two broad reasons. First, those who design institutions and policies may wish to bind to their successors...political actors must anticipate that their political rivals may soon control the reins of government. To protect themselves, they may create rules that make preexisting arrangements hard to reverse...Second, in many cases, political actors also are compelled to bin themselves...To constrain themselves and others, designers create large obstacles to institutional change.¹⁵⁰

The initial institutional configuration since the time of state formation epitomizes the complex and stringent dynamics that continuously impede institutional change as ethnic and sectarian elites either revert to maintaining exclusionary institutions through authoritarian means or find it too difficult to deviate from the existing configuration. Thus, while elites change, they nevertheless replicate exclusionary institutions to serve new goals based on their prior experience. This relationship is demonstrated below:

Figure 5: Path Dependence and Institutional Feedback Loop



¹⁴⁹ Paul Pierson, *Politics in Time* (Princeton: Princeton University Press, 2004), 20.

¹⁵⁰ Pierson, “Increasing Returns, Path Dependence, and the Study of Politics,” *American Political Science Review*, 94.2 (June 2000): 262.

Particularly relevant to this study is the reliance of path dependence on the identification of causal mechanisms and explanations of the hypothesized relationships for delineating the variables that affect institutional change within a given context.

For the purposes of this study, I adopt Gerring's characterization of causality and causal explanation as, "to be causal, the cause in question must generate, create, or produce the supposed effect."¹⁵¹ Thus, the emphasis on mechanisms and causality aids in re-conceptualizing the interdependent relationship between Iraq's institutional design, explained through a historical continuum of various statebuilding attempts, and ethnic conflict in this deeply divided society. One way of understanding why certain mechanisms have become resistant to change is by examining Pierson's dynamics of increasing returns.¹⁵² I postulate that successive ethnic elites, even during critical periods where a divergent path could have been taken, found the cost of switching to an alternative institutional design too costly as it would diminish their control of the state. When examining increasing returns, we also observe that timing and sequencing discern formative moments where certain paths are chosen at particularly times over others, as succinctly noted by Pierson, "in an increasing returns process, it is not only a question of what happens but also of when it happens. Issues of temporality are at the heart of the analysis."¹⁵³

¹⁵¹ John Gerring, "Causation: a Unified Framework for the Social Sciences," *Journal of Theoretical Politics*, 17.2 (2005): 170.

¹⁵² Pierson, (2000): 251. For Pierson, increasing returns are analogous to self-reinforcing or positive-feedback processes, Ibid, 252.

¹⁵³Pierson (2000), 252.

Operationalizing this longitudinal analysis requires an event-structured analysis in order to frame the causal narrative by comparing the sequence of events across cases to “determine if the cases can reasonably be seen as following aggregated causal patterns at a more fine-grained level.”¹⁵⁴ Accordingly, framing path dependence within the temporal study of institutional design and ethnic conflict entails situating the processes within formative temporal settings of Iraq’s political development in order to identify how institutions were formed and how and why they were sustained over time. I do this by identifying and situating the processes that produced critical junctures in order to frame the longitudinal timeframe of this study since understanding a particular phenomenon requires an analysis of the “processes over a substantial stretch of years, maybe even many decades or centuries.”¹⁵⁵

Critical Junctures and Institutional Change

A major requirement for mapping and analyzing the causal processes that affected ethnic mobilization and conflict within a given temporal setting is the need to identify critical moments that created shifts in the state’s political trajectory resulting in the reproduction of path dependent conditions that replicated exclusionary and authoritarian governance. I adopt Capoccia and Kelemen’s definition of critical junctures as “relatively short periods of time during which there is a substantially heightened probability that agents’ choices will affect the outcome of interest”¹⁵⁶ and contend that the three formative time periods

¹⁵⁴ James Mahoney, “Strategies of Causal Assessment in Comparative Historical Analysis,” in *Comparative Historical Analysis in the Social Sciences* (New York: Cambridge University Press, 2003), 366.

¹⁵⁵ Pierson and Skocpol (2002), 698.

¹⁵⁶ Giovanni Capoccia and R. Daniel Kelemen, “The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism,” *World Politics*, 59 (April 2007): 348.

mentioned earlier constitute different statebuilding attempts that created asymmetrical power relations between contending ethnic groups.¹⁵⁷ Linking various attempts at statebuilding and the transformation of the country's state institutions during these critical periods contextualizes the conditions that shape state-society relations as "governments reflect the distribution of power and prestige among ethnic communities; they also influence these relationships by the policies they enact and enforce. Thus, the modern state is a critical participant in inter-ethnic affairs."¹⁵⁸ These periods, I argue, provide the institutional context for analyzing and explaining the political and social conditions that precipitated mobilization among contending ethnic groups during formative moments that caused shifts among ruling elites.

Two interdependent variables underpin the present analysis: exclusion and authoritarianism that collectively provide a new causal explanation for understanding the relationship between institutional design and ethnic conflict in Iraq. Infusing the current analysis with these variables is purposive of demonstrating why institutions that are embedded in the authoritarian process during formative statebuilding periods limit the extent in which actors can alter their position by creating institutional barriers that not only entrench the authoritarian nature of the state, but also define "which people the state should belong to."¹⁵⁹ Framing the analysis of these variables means situating them within

¹⁵⁷ Statebuilding here refers to "actions undertaken by international or national actors to establish, reform, or strengthen the institutions of the state and their relation to society." See Charles T. Call, "Ending Wars, Building States," in *Building States to Build Peace*, eds., Charles T. Call and Vanessa Wyeth (Colorado: Lynne Rienner Publishers, 2008), 5.

¹⁵⁸ Milton J. Esman, "Ethnic Pluralism: Strategies for Conflict Management," in *Facing Ethnic Conflict*, eds., Andreas Wimmer et al., (Lanham, MD: Rowman & Littlefield Publishers, 2004), 204.

¹⁵⁹ Andreas Wimmer, "Who Owns the State? Understanding Ethnic Conflict in Post-Colonial Societies," *Nations and Nationalism* 3, No. 4 (1997): 635.

the processes that have produced critical junctures throughout Iraq's historical institutional development. Moreover, an analysis of the aforementioned variables allows us to explain how institutions constrain power for certain groups and why elites design such institutions to maintain or reproduce exclusionary power dynamics that cement the ethnic dominance of one group over others, and how this, in turn, affects the mobilization calculus of excluded groups.

Mapping this change requires identifying critical junctures that have shaped Iraq's historical development in order to structure the empirical chapters and explain why changes in the causal mechanisms that underpin the ideational and material patterns produced exclusionary institutions and cemented the dominance of one group over others resulting in the hardening of ethnic cleavages. Thus, just as path dependence is important for elucidating the causal mechanisms and outcomes of engaging in a historical institutionalist analysis, the identification of critical junctures is crucial for engaging in a temporal analysis of the patterns that shape future institutional outcomes alongside other interconnected processes of change.¹⁶⁰ Nevertheless, while critical junctures demonstrate the abrupt way in which historical moments altered the Iraqi state's institutional design that had consequential effects on ethnic conflict, slower processes of change alongside more formative critical ones are equally relevant for ascertaining the present inquiry.

Streeck and Thelen demonstrate the empirical relevance of distinguishing between incremental and abrupt critical change within historical institutionalism. Rather than

¹⁶⁰ Collier and Collier, 27. Soifer distinguishes between two elements that facilitate critical junctures: permissive and productive conditions. See Hillel David Soifer, "The Causal Logic of Critical Junctures," *Comparative Political Studies*, 45.12 (December 2012): 3-4.

compartmentalizing change as either abrupt or gradual, they emphasize differentiating between processes of change (can be both incremental or abrupt) and outcomes of change, which may result in the continuity or discontinuity of given institutions.¹⁶¹ Effectively, understanding and explaining institutional formation and transformation in Iraq rests with the ability to better identify how the processes of change altered the institutional terrain that led to the production and reproduction of exclusive state institutions resulting in the coagulation of ethnic grievances. I view incremental change as an important factor for understanding why certain institutions survived in Iraq and how their survival affected ethnic conflict.

One way of conceptualizing the impact of slow incremental changes and institutional transformation is through institutional layering and institutional conversion. Whereas the former involves renegotiating elements of particular institutions, the latter demonstrates how existing institutions come to convey new purposes either in the role they perform or the functions they serve.¹⁶² In the given case, we see actors renegotiate key institutions such as the constitution, federalism, and electoral laws throughout the formative time periods to serve new political goals, while, at other times, the institutions were rebranded to serve particular regime interests, as seen under the Ba‘thist period. This is discernable in the country’s constitutional history. Here, we observe how actors reformulated the country’s constitutions during formative periods in order to define and

¹⁶¹ Streeck and Thelen (2005), 8.

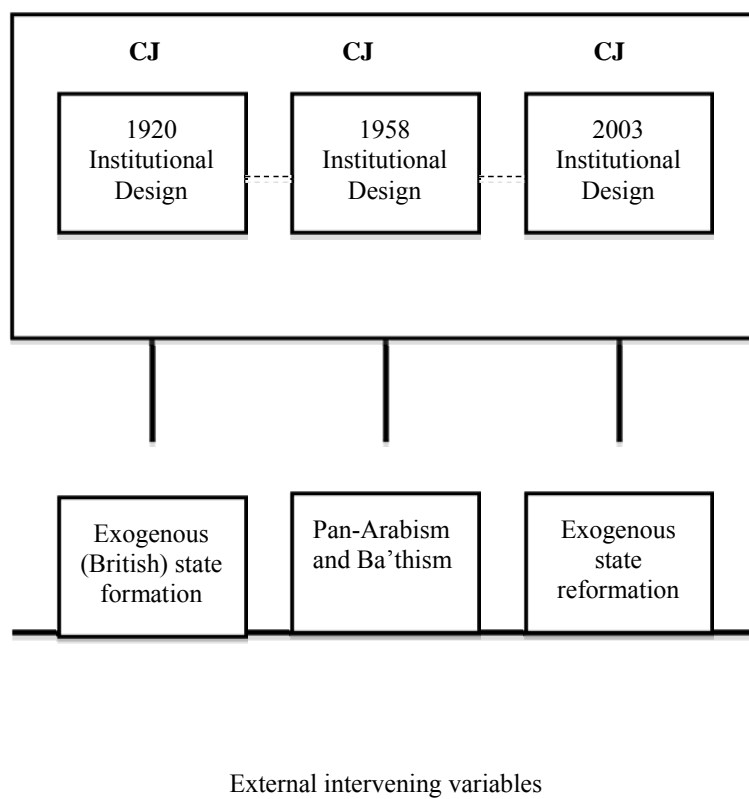
¹⁶² Kathleen Thelen, “How Institutions Evolve,” in *Comparative Historical Analysis in the Social Sciences*, eds., James Mahoney and Dietrich Rueschemeyer (New York: Cambridge University Press, 2003), 225-26.

redefine the parameters of inclusion and exclusion based on their vision of how to govern Iraq as a divided society.

Accordingly, while abrupt critical changes resulted in major shifts in the country's institutional configuration, we see the survival of certain institutions and their reintegration into the political and structural landscape of the polity by successive governments. Hence, understanding the effects of institutional change also requires an explanation and identification of "what aspects of a specific institutional configuration are (or are not) renegotiable and under what conditions."¹⁶³ Viewing institutional change in Iraq as a result of both abrupt changes during the critical periods of state formation and statebuilding will aid in contextualizing the impact of such changes on state-society relations particularly relating to ethnic strife. It also supports a key hypothesis of this study: critical junctures that transpired during formative time periods and the institutional transformation that they produced had consequential effects on the intensification of ethnic sentiments in this highly divided state. The more exclusionary and authoritarian the state becomes, the more ethnic and sectarian communities see themselves outside the state and thus result in the contestation and of its structures and institutions. This relationship is demonstrated in Figure 6 below:

¹⁶³ Thelen (2003): 233.

Figure 6. Critical Junctures and Institutional Change in Iraq



The above diagram demonstrates the processes and conditions that affected institutional design in Iraq. Whereas the critical junctures (CJ) represent the abrupt fissure throughout the noted time periods, the broken lines that link the CJ together represent incremental changes that also altered the country's institutional design. The independent variable

marks the institutional design chosen for the specific time period and its effect on the dependent variable, ethnic conflict. The intervening variables represent external factors, or what Wimmer calls exogenous shifts that transform a country's institutional landscape such as imperial conquest and nation-state formation,¹⁶⁴ all of which have influenced the trajectory of institutional development in Iraq during the formative time periods. In particular, the exogenous factor during the 1958 juncture enabled regime transition from the monarchy to the republic as the elites who instituted the coup were divided among those who were in support and against pan-Arabism. By factoring in these conditions, I intend to demonstrate that a) significant changes occurred under each period; b) that the changes were distinctive from preceding transformations, but incremental transformations continued to unfold over time; and c) that these transformations produced and reproduced exclusionary and authoritarian state that fuelled ethnic and sectarian discord and impeded successive efforts at national reconciliation.¹⁶⁵ I have selected these periods for understanding ethnic grievances and mapping mobilization for two reasons. First, they represent major fissures in Iraq's political development that markedly altered the state, its institutions, and the *modus operandi* of incumbent ruling elites that either reinforced exclusion and authoritarianism or imposed new institutional constraints on contending ethnic elites. Second, these periods enable us to emphasize the importance of timing and sequencing as they illuminate how institutions develop, how ethnic groups respond to

¹⁶⁴ Andreas Wimmer, "The Making and Unmaking of Ethnic Boundaries: a Multilevel Process Theory," *American Journal of Sociology* 113.4 (January 2008): 1005.

¹⁶⁵ Collier and Collier (1991), 30.

institutional constraints, and why this produces grievance and mobilization that culminate in conflict, overtime.

The objective so far has been to demonstrate how historical institutionalism will be used as an approach to explain Iraq's institutional transformation and ethnic mobilization throughout formative statebuilding periods. I have identified the relevance of engaging in a path dependent analysis and the need to frame critical junctures and slower incremental changes in order to rethink the way we view and conceptualize the country's grapple with ethnic strife. Contextualizing the trajectory of Iraq's institutional development helps us identify and sequence the variables that underpin ethnic conflict throughout this study: namely, exclusion and authoritarianism. Building on historical institutionalism, I view the role of history as a binary link that can better explicate the relationship between institutions and ethnic discord.

Beyond illustrating the empirical relevance of applying a HI approach to understanding the relationship between institutions and ethnic discord, the discussion below moves to exploring its theoretical implications. My intention here is to test the applicability of the toolkits found in historical institutionalism in order to contextualize the cause and effect of institutional choices throughout the Iraq's critical junctures on ethnic conflict. This is based on tracing the effects of two interrelated and interdependent variables: exclusion and authoritarianism, when combined, provide a nuanced understanding of the institutional barriers that have produced asymmetrical power relations resulting in that have facilitated the ethnic domination of the state by one particular ethnic group, which, has prevented other ethnic and religious groups from accessing the state.

An Institutional Explanation of Ethnic Mobilization

Building on the empirical utility of HI and its toolkits, and adding to the repertoire of cases mentioned in the previous chapter that juxtapose historical conditions and processes with institutional development in divided societies, I develop a model that posits that the processes that have produced and sustained segmental cleavages are embedded in interlinked forms of institutional exclusion and authoritarianism that sustained the hegemonic control of the state by a given ethnic ruling elite throughout critical statebuilding periods. The emphasis on a temporally grounded analysis of institutions vis-à-vis ethnic conflict during critical statebuilding periods in divided societies like Iraq advances our understanding of the effects of historical and contemporary mechanisms and processes on group mobilization and conflict eruption. This is particularly relevant as institutions structure the modes, forms, and opportunities for conflict manifestation in fragmented states particularly since “the formation, the identities, the power, and the proclivities of groups reflect in large measure how the system within which they operate is structured.”¹⁶⁶ Moreover, institutions embody a “repertoire of procedures and rules they use to select among them. The rules may be imposed and enforced by direct coercion and political or organizational authority, or they may be part of a code of appropriate behavior that is learned and internalized through socialization or education.”¹⁶⁷ A longitudinal historical exploration of these processes demonstrates a pattern of ethnic control of the state that resulted in the “emergence and maintenance of a relationship in which the

¹⁶⁶ Valerie Bunce, *Subversive Institutions* (New York: Cambridge University Press, 1999), 17-18.

¹⁶⁷ James G. March and Johan P. Olsen, *Rediscovering Institutions: the Organizational Basis of Politics* (New York: Simon and Schuster, 1989), 33.

superior power of one segment is mobilized to enforce stability by constraining the political actions and opportunities of another segment or segments.”¹⁶⁸ As will be demonstrated, we observe that institutions have perpetuated the power of a few ethnic ruling elites since the time of state formation that culminated in the ethnic dominance of the state as a way of controlling a divided society. Hence, while institutions do serve to impose constraints that “shape human interaction”¹⁶⁹ these constraints are embedded in asymmetrical power relations in authoritarian states where institutions are not independent of the ruling regime. The emphasis on temporality, institutions, and history complements existing works that explore the effects of historical processes on the manifestation and eruption of ethnic and communal conflict in divided societies.¹⁷⁰

I postulate that conceptualizing ethnic mobilization in divided societies requires a longitudinal¹⁷¹ analysis of the effects of preceding institutional choices made at critical junctures throughout a country’s political history. If a divided society’s early institutional setup is designed in a way that precludes and excludes large segments of the population the outcome will produce institutional constraints and barriers that reinforce exclusion¹⁷²

¹⁶⁸ Lustick (1979): 328.

¹⁶⁹ North (1990), 3.

¹⁷⁰ See, for instance, Yuhki Tajima, *The Institutional Origins of Communal Violence: Indonesia’s Transition from Authoritarian Rule* (New York: Cambridge University Press, 2014); Justin Gengler *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf* (Bloomington: Indiana University Press, 2015); Halperin, Sandra. “The Spread of Ethnic Conflict in Europe: Some Comparative-Historical Reflections,” in *The International Spread of Ethnic Conflict*, eds., David A. Lake and Donald Rothchild (Princeton: Princeton University Press, 1998); Horowitz (1985), on Indonesia see Horowitz (2013); Gurr (2000); and Kanchan Chandra, *Why Ethnic Parties Succeed: Patronage and Ethnic Head Counts in India* (Cambridge: Cambridge University Press, 2004).

¹⁷¹ I find Collier and Collier’s characterization of longitudinal analysis as simply events unfolding over time over the different phases of political change. See Ruth Berins Collier and David Collier, *Shaping the Political Arena* (Princeton: Princeton University Press, 1991), 19.

¹⁷² For a good discussion on institutional exclusion and inclusion, see Matthew Holden, Jr., “Exclusion, Inclusion, and Political Institutions,” in *The Oxford Handbook of Political Institutions*, eds., R.A.W. Rhodes, Sarah A. Binder, and Berta A. Rockman (Oxford: Oxford University Press, 2008), 166.

as a way of controlling and thus preventing other ethnic and religious groups from gaining access to the state and its centres of power, it will create inequality among contending groups in authoritarian states. In the case of Iraq, state institutions have been a key mechanism for sustaining ethnic dominance of a particular group and their control of the state. Thus, “institutions are not necessarily or even usually created to be socially efficient; rather they, or at least the formal rules, are created to serve the interests of those with the bargaining power to devise new rules.”¹⁷³ I attribute the subversive nature of institutions to their initial design under the British colonial Mandate that set the preference path for the ethnic domination of Sunni-Arabs over a highly fragmented state and society. Overtime, this has generated the reproduction of exclusionary and authoritarian governance by ethnic elites seeking to maintain their ownership of the state.

Grounding the empirical puzzle within a given temporal setting aids in understanding how what transpired before provides the “context for current efforts and the platform on which we necessarily craft our own contributions”¹⁷⁴ and determines subsequent mobilization among contending ethnic groups, particularly as ethnic elites rely on historical experiences to legitimize grievances. This requires a re-evaluation of why, for instance, we see the durability of certain institutions throughout critical periods of Iraq’s history and the collapse of others during these “critical junctures.” Moreover, rather than viewing statebuilding in divided societies as a linear exercise in institutional engineering, a longitudinal analysis can shed light on the perennial effects of institutional

¹⁷³ North, 16.

¹⁷⁴ W. Richard Scott, *Institutions and Organizations*, 3rd Ed. (Thousand Oaks: Sage Publications, 2008), 47.

choices on subsequent conflict management strategies. Much of this requires a reversal in the ontological and analytical causal flow that attributes primacy to residual effects of a state's early institutional design on subsequent statebuilding and conflict management strategies.

Thus, I diverge from current causal explanations and argue that the institutional conditions that fuel ethnic mobilization must be conceptualized along a historical continuum since the critical period of state formation. This enables me to demonstrate the extent to which exclusionary institutional engineering at the time of state formation determines the sequential responses of groups excluded from the political process. This, I argue, can determine a state's subsequent success or failure to mitigate conflict following a democratic opening. Furthermore, a reversal in the causal flow demonstrates the need for inserting a historical-institutionalist explanation that factors in the temporal effect of ethnic exclusion on conflict outcomes. Thus, we need to look at history not only because history matters, but because an examination of a state's institutional development reveals why preceding decisions matter and how they shape current decisions and outcomes in divided societies like Iraq.

I seek to explain why ethnic elites operating within the state's institutional landscape replicated exclusionary and authoritarian governance by identifying the array of factors, mechanisms, and processes that locked-in these governing patterns that have produced the outcomes we see post-2003.¹⁷⁵ The focus on state institutions rather than other binding norms that structure behaviour is predicated on the state possessing the

¹⁷⁵ Causal explanations are ideal for answering why questions. For a concise discussion, see Norman Blaikie, *Designing Social Research*, 2nd ed. (Cambridge: Polity Press, 2010), 71-72.

bureaucratic, hierarchical, and coercive capacity to administer and define state-society interactions.¹⁷⁶ The cooptation of institutions by ethnic elites set the conditions that structure exclusion and ethnic responses to the state by marginalized groups. Thus, institutions become the instruments for enforcing the ethnic dominance of the state by a particular ethnic group. Elucidating the effects of authoritarianism on institutions and ethnic conflict is imperative since “authoritarianism systematically denies most actors the agency and access necessary to alter political institutions.”¹⁷⁷ Conceptualizing the effects of institutions on ethnic discord is particularly relevant since “institutions are excellent at exclusion and poor at inclusion,” particularly in states exhibiting ethnic conflict as with the present case.¹⁷⁸

In the proceeding section, I define and explain the proposed theoretical model based on the two aforementioned variables of exclusion and authoritarianism. Doing so is necessary in order to go beyond the current analyses of ethnic conflict in Iraq in order to explore an alternative explanation of the relationship between state institutions and ethnic conflict in post-colonial divided societies.

Exclusion, Authoritarianism and Ethnic Conflict in Iraq

Thus far, I have demonstrated the need to contextualize the trajectory of Iraq’s domestic institutional development as it relates to ethnic mobilization and conflict by situating its

¹⁷⁶ See Lustick’s theory on hegemonic compliance in Ian S. Lustick, “Hegemony and the Riddle of Nationalism,” in *Ethnic Conflict and International Politics in the Middle East*, ed., Leonard Binder (Gainesville: University Press of Florida, 1999), 337.

¹⁷⁷ James Mahoney and Kathleen Thelen, “A Theory of Gradual Institutional Change,” in *Explaining Institutional Change: Ambiguity, Agency, and Power*, eds., James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2010), 140.

¹⁷⁸ Holden, 164.

progression along a historical continuum of state policies and their effect on society; in this way, this study is as much about state-society relations as it is about institutional design and ethnic conflict. I insert an institutional imperative to the present analysis by exploring how and why institutional constraints have affected ethnic conflict in Iraq.¹⁷⁹ In this section, I propose an alternative theoretical model based on the two interlinked variables¹⁸⁰ of exclusion and authoritarianism that I hope will explain the current empirical puzzle, while, at the same time, alter some of the ontological assumptions found in the literature on statebuilding, governing in divided societies, and historical institutionalism as discussed in the previous chapter.

Before delving into the crux of the argument, a definition of exclusion and authoritarianism is necessary in order to conceptualize their applicability to the present analysis. I have selected and isolated these variables for two reasons. First, because they are present in all the three formative time periods that frame the longitudinal analysis of this study. Second, the emphasis on institutions forms the basis for identifying and elaborating on the causal mechanisms that have affected group mobilization and conflict in Iraq.

Exclusion here is used as a categorical reference to forms of institutionalized discrimination that produces asymmetrical power distributions favouring one ethnicity over another. I adopt Lemarchand's definition in reference to political

¹⁷⁹ Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985), 228.

¹⁸⁰ I adopt Stinchcombe's definition of a variable as a "concept which can have various values, and which is defined in such a way that one can tell by means of observations which value it has in a particular occurrence." See Arthur L. Stinchcombe, *Constructing Social Theories* (New York: Harcourt, Brace & World, Inc., 1968), 28-29.

exclusion as “the denial of political rights to specific ethnic or ethnoregional communities, most notably the right to vote, organize political parties, freely contest elections, and thus become full participations in the political life of their country.”¹⁸¹ Discriminatory institutions are key political factors that may aid in the eruption of ethnic strife.¹⁸²

Authoritarianism I adopt Levitsky and Way’s characterization as a “regime in which no viable channels exist for opposition to contest legally for executive power.”¹⁸³ Authoritarianism is often institutionalized through the state’s coercive apparatus, which suppresses opportunities for reform.¹⁸⁴ Consequently, this sustains the institutional mechanisms that secure the regime’s survival.

In order to contextualize the relationship between exclusion and authoritarian institutions and delineate the significance of these variables for explaining and understanding ethnic conflict in Iraq, I explore the conditions that led to their emergence and reproduction through the application of a historical-institutionalist approach during the three formative time periods, which form the temporal component of this research. The aim is twofold: identify how they are connected and the conditions under which they are formed and reproduced by ethnic elites with competing interests, and why this reproduction has impeded governing Iraq as a divided society.¹⁸⁵ Carment and James capture the

¹⁸¹ René Lemarchand, “Exclusion, Marginalization, and Political Mobilization: the Road to Hell in the Great Lakes,” in *Facing Ethnic Conflicts*, eds., Andreas Wimmer, *et al* (Lanham, MD: Rowman & Littlefield, 2004), 66.

¹⁸² Stefan Wolff, *Ethnic Conflict* (Oxford: Oxford University Press, 2006), 68.

¹⁸³ Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism* (New York: Cambridge University Press, 2010), 6.

¹⁸⁴ See Eva Bellin, “The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective,” *Comparative Politics* 36.2 (January 2004): 144-45.

¹⁸⁵ Stinchcombe, 15.

relationship between institutional constraints and ethnic bargaining in fragmented authoritarian states noting that,

Leaders in many states have no popular mandate, but instead rule on the basis of force or coercion, elite pacts, heredity, or even divine intervention. These elites enjoy low institutional constraints by virtue of the fact that their power does not depend upon the support of the population at large. Elite decision-making in such states is relatively unconstrained by popular opinion or constituent interests...Where such regimes exist, policies result from elite bargaining over the distribution of resources—lower levels of government operate primarily through coercion or patron-client relations.¹⁸⁶

Hence, juxtaposing these two variables enables us to make empirical statements about the relationship between the historical development of Iraq's state institutions and the persistence of ethnic strife throughout the noted critical junctures discussed previously.¹⁸⁷ Similarly, placing these variables within a given temporal setting enables us to identify and explain their historical origins to better ascertain their contemporary implications on democratization and governance following regime collapse post-2003.

Framing the Argument

Building on the above, I posit that institutions in post-colonial authoritarian states are not as independent of the regime as they are under liberal democracies, but are embedded in the regime itself. The collapse of the state, either as result of exogenous (foreign intervention) or endogenous (e.g., *coup d'état* or revolt) shocks produces two interlocking outcomes. First, institutions may be converted to serve new interests through slow, incremental change.¹⁸⁸ Second, the fragility of institutions in divided societies makes them susceptible to cooptation by regimes and autocrats in authoritarian states. Thus,

¹⁸⁶ David Carment and Patrick James, "Third-Party States in Ethnic Conflict: Identifying the Domestic Determinants of Intervention," in *Ethnic Conflict and International Politics: Explaining Diffusion and Escalation*, eds., Steven E. Lobell and Philip Mauceri (New York: Palgrave MacMillan, 2004), 18.

¹⁸⁷ Carment and James, 16.

¹⁸⁸ Wolfgang and Thelen (2005), 26.

ethnic mobilization is a product of exclusionary institutional barriers that both prevent contending ethnic groups from accessing the state, while, simultaneously, formulating policies that ensure the survival of the incumbent authoritarian regime. Effectively, the presence of these two variables in Iraq has produced what Saouli calls cycles of domination involving the construction of institutional barriers and constraints that sustain regime preferences through the state's coercive apparatus in order to "prevent contenders from challenging the power of the dominant faction."¹⁸⁹ Perceived in this way, institutions in post-colonial divided societies, and in particular, Iraq, become part and parcel of the regime itself. This is also echoed in Migdal's analysis of the selection and distribution of institutions in exclusionary states, nothing

Rather, allocations of posts reflect the loyalty of particular groups, the threat of other groups, and the importance of specific state agencies. The most loyal elements, often the tribe or ethnic group of state leaders themselves, are assigned to the agencies that are potentially most threatening to state leaders that would exercise the most control in society, such as the military.¹⁹⁰

One way of explaining ethnic elite behavior and exclusion in authoritarian societies is to apply the logic of political survival whereby "the desire to survive motivates the selection of policies and the allocation of benefits; it shapes the selection of political institutions and the objectives of foreign policy; it influences the very evolution of political life."¹⁹¹ In the given case, this is best exemplified by the survival of the Ba'ath party under the leadership of Saddam Hussein for over three decades where, as will be demonstrated in chapter four, state institutions became instruments of the exclusionary regime and its

¹⁸⁹ Adham Saouli, *The Arab State: Dilemmas of Late Formation* (Oxon: Routledge, 2012), 22.

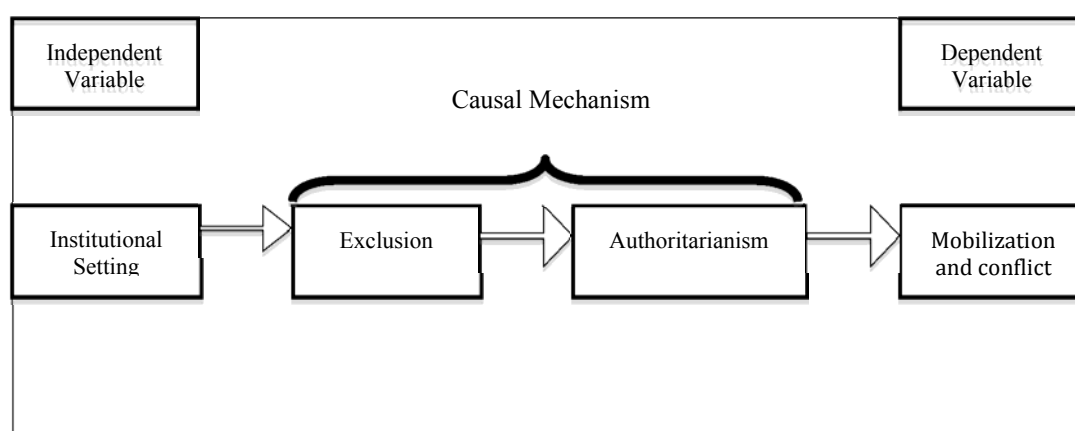
¹⁹⁰ Joel S. Migdal, *State in Society* (New York: Cambridge University Press, 2004), 77-78.

¹⁹¹ See, Bruce Bueno de Mesquita et al., *The Logic of Political Survival* (Cambridge, MA: MIT Press, 2003), 8-9.

survival. Hence, I articulate the need to examine ethnic conflict in Iraq as a process embedded in the political and institutional configuration of the state and reflective of the disinclination of ruling elites to integrate contending ethnic elites in governing the state rather than solely as an outcome of intergroup discord or primordial hatreds. Figure 9 below illustrates the causal mechanisms linking institutional design and ethnic conflict in

Iraq:

Figure 7: Operationalizing the Variables and Causal Mechanisms¹⁹²



I argue that theorizing early institutional design during the critical period of state formation determined a) who belonged to the state and who was not, and b) why the preference of one group over another produced exclusionary policies that bolstered and sustained authoritarian politics during critical periods where divergent institutional choices could have mitigated the politicization and mobilization of contending ethnic groups. This institutional dimension is critical as succinctly noted by Wimmer

¹⁹² Adapted from Derek Beach and Rasmus Brun Pedersen, *Process-Tracing Methods* (Ann Arbor: University of Michigan Press, 2013), 38.

“institutional frameworks specify the historical context within which the dynamics of ethnic boundary making unfolds.”¹⁹³ Likewise, as succinctly noted by Mahoney, the logic of exclusionary institutional design serves to reinforce predictable power dynamics within a given institutional setting where,

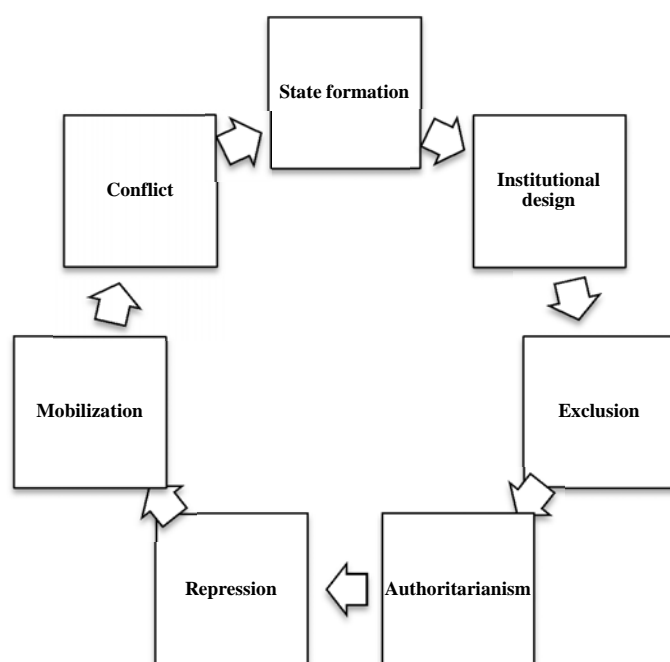
The institution initially empowers a certain group at the expense of other groups; the advantaged group uses its additional power to expand the institution further; the expansion of the institutions increases the power of the advantage group; and the advantage group encourages additional institutional expansion.¹⁹⁴

Thus, if the initial institutional configuration is exclusionary and authoritarian, as was in the case of Iraq, elites will mould and alter its institutional configuration to suppress ethnic rivalries. Repression fuels the mobilization and politicization of ethnic sentiments resulting in conflict as elites seek to legitimize grievances against the state. This path dependent relationship becomes increasingly difficult to alter as the costs of switching to more inclusive and representative alternatives could yield new power dynamics that alter the ownership and control of the state, which create newly marginalized groups, as seen in post-2003 Iraq. This feedback loop is demonstrated in figure 8:

Figure 8. Ethnic Mobilization Feedback Loop

¹⁹³ Wimmer, (January 2008): 990.

¹⁹⁴ Mahoney, (2000): 521.



Let us explore this cyclical relationship as it relates to the present case. As a post-colonial divided society, Iraq experienced incongruities with its institutional design, which created structural barriers rooted in exclusion and authoritarianism. I have selected the period of state formation as the first critical juncture since, as succinctly noted by Wimmer, “ethnic conflicts arise during the process of state formation, when a fight erupts over which ‘people’ the state should belong to.”¹⁹⁵ As will be demonstrated in the third chapter, British colonial administrators favoured a Sunni-Arab urban minority as the guarantors of the state, which systematically excluded large segments of majority and minority populations. The cyclical progression of grievances and sentiments mobilized and politicized existing ethnic attachments that exacerbated tensions and conflict between the

¹⁹⁵ Andreas Wimmer, “Who Owns the State? Understanding Ethnic Conflict in Post-Colonial Societies,” *Nations and Nationalism* 3.4 (1997): 635.

state and its fragments. Overtime, successive ethnic elites reinforced exclusion through authoritarian governance by employing the state's coercive apparatuses to suppress dissidence as observed under the Ba'athist period and the subsequent reversal of these governing tactics by previously excluded ethnic elites following authoritarian breakdown post-2003.

Positioning Iraq's institutional development and ethnic conflict alongside critical statebuilding periods requires the identification and contextualization of the causal mechanisms that contributed to these governing patterns. While a confluence of factors contributed to the formation of the modern Iraqi state—the collapse of the Ottoman Empire, European foreign incursions into the region, and the discovery of oil¹⁹⁶, external state formation was a catalyst for coagulating fragmentation along ethnic and religious lines. Upon a closer examination of these developments within the current framework, we see that the initial institutional configuration determined the path future Iraqi leaders would adopt and the *modus operandi* by which the exclusionary state was administered and controlled and set in a motion a sequence of events that affected how ethnic groups saw themselves in relation to the central state.¹⁹⁷ The initial and subsequent exclusion of large segments of the population such as the majority Shi'i Arabs and minority communities such as Kurds, Turkmen, Assyrians, Yazidis, Shabaks, and Mandeans from

¹⁹⁶ Peter Sluglett, *Britain in Iraq* (Columbia University Press: New York, NY. 2007) 2-4.

¹⁹⁷ For a concise analysis of initial conditions, see James Mahoney and Daniel Schensul, "Historical Context and Path Dependence," in *Oxford Handbook of Contextual Political Analysis*, eds., Robert E. Goodin and Charles Tilly (New York: Oxford University Press, 2006), 459. I purposely leave out issues of contingency in this path dependent analysis because, as noted in the aforementioned piece, not all path dependent analyses require or encompass contingent events, and I postulate that the nature of the exclusive and highly centralized state left little room for any unpredictable patterns or circumstances to arise that would affect future outcomes.

the state's governing institutions set the country on a deterministic path of exclusion and shaped the trajectory of ethnic mobilization throughout other transformative periods. Successive authoritarian leaders reinforced and maintained this pattern despite critical movements marked by military coups and revolutions, and more recently, following regime change due to external intervention in 2003.

Building on the above, the following hypotheses guide the expectations of the empirical chapters. First, an exploration of institutional development in Iraq will aid in illuminating the institutional causal mechanisms and processes that have affected governing this highly divided society. Identifying the causal mechanisms is integral for explaining the relationship between institutional development and ethnic conflict in Iraq.¹⁹⁸ Second, since the initial conditions of Iraq's early institutional configuration were rooted in exclusion, we find that successive ethnic elites reproduced the same system through authoritarian means in order to control and eliminate potential rivals from laying claim to the state. This leads to the third hypothesis—the post-2003 trend is markedly indicative of a reversal in ethnic power dynamics as previously excluded and oppressed ethno-religious groups, particularly the majority Shi'i-Arabs and Kurds, attempt to rectify past grievances by reclaiming the state resulting in the exclusion of Iraq's Sunni-Arab elites. Lastly, I posit that past and present institutional choices rather than primordial group attachments alone have undermined national conciliation of Iraq's diverse ethnic and religious groups and have contributed to political stagnation since 2003.

¹⁹⁸ I concur with Craig Parsons in noting that “to explain we must always posit and seek evidence for causal mechanisms.” Craig Parsons, *How to Map Arguments in Political Science* (New York: Oxford University Press, 2007), 23.

I postulate that conceptualizing the exclusionary and authoritarian tendencies of Iraq's institutional configuration during various statebuilding processes requires an examination of why ethnic elites operating within a given institutional setting have failed to accommodate inter-ethnic rivals upon capturing the state during critical junctures. Testing this proposition entails tracing the processes that have produced exclusionary and authoritarian governance, and their reproduction following the 2003 democratic opening. This, this examining this temporal trajectory, I argue, aids in explaining and conceptualizing the causal links between institutions—as manifestations of vertical power relations, and ethnic mobilization resulting in discord. Such an analysis requires a multifaceted exploration that takes into consideration various causal mechanisms that have affected institutional development resulting in the failure of Iraqi elites to mitigate ethnic conflict. Moreover, by applying a path dependent analysis, we see that post 2003 institutions have been used to alter and reverse power dynamics by previously disenfranchised ethnic elites at the expense of the previously dominant Sunni-Arab ruling minority.¹⁹⁹ Thus, tracking the development of these variables in a given temporal and contextual setting reinforces North's assertion that history matters.

As will be demonstrated in the empirical chapters, exclusion and authoritarianism have been two constant variables that have dictated the state's institutional and structural power dynamics as contending groups sought to control the state. An emerging trend is the continued survival and replication of this institutional design so as to maintain and sustain the power and, by extension, interests of a given particular ethnic group.

¹⁹⁹ Mahoney, (2000): 522.

The proceeding section will outline the research design of this study as a single, within-case comparative historical analysis of the causal mechanisms and processes that have shaped ethnic conflict in Iraq during transformative, statebuilding periods.

Methodology and Research Design

Historical Inquiry and Comparative Historical Analysis

This study nests the analysis of ethnic conflict and institutions in Iraq within a historical framework. Specifically, a longitudinal and temporal evaluation of ethnic conflict across time and for the given case study demonstrates the importance of engaging in a comparative historical analysis of the evolution of ethnic conflict in divided societies like Iraq. The ‘historical turn’ in the social sciences has facilitated more systematic and in-depth analyses of political phenomenon particularly since, in the given case, it enables us to look at history going forward and analyze the lasting consequences of institutional transformations during crises in Iraq’s statebuilding history on ethnic conflict.²⁰⁰ Further, as noted by Mahoney, Kimball and Koivu, the utility of engaging in a historical explanation rests with the ability to generate “inferences about the causes of specific outcomes in particular cases” by explaining past occurrences.²⁰¹ In adapting Capoccia and Ziblatt’s postulation of the relevance of a historical turn to the study of democratization, I posit that in order to understand the emergence and evolution of ethnic conflict in Iraq, we must analyze critical moments that resulted in the initial institutional design and “undertake a thorough analysis of the ideologies, resources, and institutional legacies

²⁰⁰ Giovanni Capoccia and Daniel Ziblatt, “The Historical Turn in Democratization Studies: A New Research Agenda for Europe and Beyond,” *Comparative Political Studies* 43.8/9 (2010): 934.

²⁰¹ Mahoney, Kimball, and Koivu, 116.

shaping the choices of actors involved in the process of institution building.”²⁰²

Since this research seeks to explain how institutions affect ethnic conflict in deeply divided societies and why earlier institutional design choices determine the Iraqi state’s response to ethnic grievances, it is imperative to situate the study within a relevant historical context by adopting a sophisticated approach to historiography and paying detailed attention to processes, timing, and historical trajectories in order to gain a deeper understanding of the case.²⁰³ A comparative historical analysis facilitates such an inquiry as it is concerned with “causal analysis, an emphasis on processes over time, and the use of systematic and contextualized comparison” in order to measure the evolution of a particularly phenomenon—in this case, ethnic conflict.²⁰⁴ Furthermore, it enables us to engage in an in-depth analysis of causal mechanisms along a temporal setting, as succinctly noted by Rueschemeyer,

Comparative historical work that uses both within-case and cross-case analysis can explore more complex interactions among causal factors, it can better trace multiple paths of causation, and it does not make the assumption of a linear relation between independent and dependent variables that—in the absence of historical information suggesting other relations between causal factors and outcomes—multiple regression analyses often adopt.²⁰⁵

As an approach that allows researchers to eclectically employ both qualitative and quantitative methods, it is concerned with explaining and identifying causal configurations that produce major outcomes and allows researchers to explicitly analyze

²⁰² Capoccia and Ziblatt (2010): 939.

²⁰³ Edwin Amenta, “What We Know about the Development of Social Policy,” in *Comparative Historical Analysis in the Social Sciences* (New York: Cambridge University Press, 2003), 94.

²⁰⁴ James Mahoney and Dietrich Rueschemeyer, “Comparative Historical Analysis,” in *Comparative Historical Analysis in the Social Sciences* (New York: Cambridge University Press, 2003), 10.

²⁰⁵ Dietrich Rueschemeyer, “Can One or a Few Cases Yield Theoretical Gains?” in *Comparative Historical Analysis in the Social Sciences*, eds., James Mahoney and Dietrich Rueschemeyer (New York: Cambridge University Press, 2003), 324.

historical sequences and pay serious attention to how processes unfold in time and overtime.²⁰⁶

In addition, a historical within-case comparative analysis of the three periods will support a chronological structure²⁰⁷ by analyzing institutional design during formative periods. Following a chronological rather than a linear-analytic or in-case comparative structure provides a better investigation of the changes in the processes and structures of the subject matter and allows for an explanation of causal sequences that occur in a linear manner over time;²⁰⁸ hence, attention is paid to timing and sequencing. Furthermore, a detailed analysis of these time periods will foster a nuanced understanding of the institutional casual mechanisms that have affected ethnic conflict in Iraq. In doing so, I intend to link the stated proposition to possible explanatory variables found in the governing structures of the state throughout the mentioned time periods in order to illuminate the relationship between institutions and ethnic conflict.

Delineating the temporal and contextual historical processes that affect ethnic conflict requires the application of process tracing a tool for explaining and analysing the relationship of critical temporal historical processes that shape the outcome of the state's institutional development as it relates to ethnic conflict and ethnic mobilization resulting from ethnic exclusion and authoritarian governance in Iraq.

Process Tracing

²⁰⁶ Ibid, 11-12.

²⁰⁷ Yin, 153.

²⁰⁸ Yin, 153.

As a tool for assessing and analyzing within-case causal interpretations, processing tracing “attempts to identify the intervening causal process—the causal chain and causal mechanism—between an independent variable (or variables) and the outcome of the dependent variable”²⁰⁹ and allows the researcher to “examine the process whereby initial case conditions are translated into case outcomes.”²¹⁰ Beach and Pedersen succinctly define a causal mechanism as a Theorized system that produces outcomes through the interaction of a series of parts that transmit causal forces from X to Y. Each part of a mechanism is an individually insufficient but necessary factor in a whole mechanism, which together produces Y. The parts of causal mechanisms are composed of entities engaging in activities.²¹¹ It thus equips a researcher with the ability to make causal inferences by using “observed empirical material to make conclusions about causation.”²¹² For Bennett and Elman, process tracing in qualitative research draws comprehensive findings using a single or multiple case study method by having a clear chronological account of the historical narrative, minimizing ruptures in the causal explanation of the case to reinforce its theoretical significance, accepting the implications of alternative explanations as a way of reinforcing theoretical grounding, and finally, is more persuasive if the researcher has accounted for confirmation bias—that is, taking into account the implications of alternative explanations to bolster the theory’s significance.²¹³

²⁰⁹ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2004), 206.

²¹⁰ James Mahoney, “Path Dependence and Historical Sociology,” *Theory and Society*, 29 (2000): 510-11.

²¹¹ Derek Beach and Rasmus Brun Pedersen, *Process Tracing Methods: Foundations and Guidelines* (Ann Arbor: University of Michigan Press, 2013), 176.

²¹² Beach and Pedersen, 176.

²¹³ Andrew Bennett and Colin Elman, “Qualitative Research: Recent Developments in Case Study Methods,” *Annual Review of Political Science* 9 (2006): 459-60.

This is particularly important for analyzing the threads of continuity and survival of specific state institutions in Iraq during the aforementioned time periods.

Since the task of this research is to explain the effects of institutional design (as an independent variable) on ethnic conflict (as the dependent variable), process tracing supports the use of archival documents and interviews, which serve as the basis for the data collection component of this research, to test the validity of hypothesized causal processes found in the sequence and values of the intervening variables and to generate new variables to explain a sequence of events in deviant cases.²¹⁴

Single-Case Study Approach

The dissertation relies on a comparative, in-depth single-case study approach of three temporal time periods as a form of empirical inquiry because it facilitates an analysis of the contextual relevance of a phenomenon when the “boundaries between phenomenon and context are not clearly evident.”²¹⁵ As a theory-testing project, it uses empirical evidence to evaluate the relevance of historical institutionalism as a paradigm within comparative politics²¹⁶ and to assess the validity and scope of the theoretical framework for explaining causal mechanisms throughout the three periods.²¹⁷ Moreover, historical institutionalism allows for an analysis of a case within a given temporal setting by explaining how institutions affect and change conditions and variables over time particularly as the selected time intervals “would reflect the presumed stages at which the

²¹⁴ George and Bennett (2004), 7-8.

²¹⁵ Robert K. Yin, *Case Study Research: Design and Methods*, 3rd Ed. (Thousand Oaks: Sage Publications, 2003), 13.

²¹⁶ Van Evera distinguishes between four types of political science dissertations: theory-proposing, theory-testing, theory-applying, and literature-assessing. See Van Evera, 93.

²¹⁷ George and Bennett, 75.

changes should reveal themselves.”²¹⁸

A general critique of this method is its weakness in obtaining broad social inquiry. Case studies are often perceived to be limited in drawing and controlling correlations between the variables being analyzed in comparison with large-*n* studies.²¹⁹ This is particularly difficult considering this is the first study that strictly focuses on the long-term role of institutions and institutional design on ethnic conflict in Iraq as a divided society. Two related criticisms of the case study method rest with its limited generalizability and comparability coupled with the method’s limitation in theory testing and development.²²⁰ Others note limitations in controlling interceding variables that are better controlled in large-*n* experiments that can account for the effects of omitted variables,²²¹ and that small number of cases limit inferential leverage of the case study method in qualitative research.²²² The weaknesses of this study are further complicated by the lack of comparable cases that engage in a temporal analysis of the effects of institutions on ethnic mobilization across time. Others note its inability to generate an explanatory causal inference based on a single observation.²²³

However, single-case research designs have shown to be useful for testing the

²¹⁸ Yin, 42.

²¹⁹ David de Vaus makes a similar critique regarding the generalizability and limited replication capacity of a single-case study design. See *Research Design in Social Research* (London: Sage Publications, 2001) 226, and Van Evera, 51-53.

²²⁰ Blaikie offers an excellent summation of the two overarching critiques of the case study method, see Blaikie, 192-197.

²²¹ Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca: Cornell University Press, 1997), 51.

²²² Gerardo L. Munch, “Tools for Qualitative Research,” in *Rethinking Social Inquiry: Diverse Tools, Shared Standards*, eds., Henry E. Brady and David Collier (Lanham: Rowman & Littlefield Publishers, 2004), 112-13.

²²³ Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry* (Princeton: Princeton University Press, 1994), 210.

applicability of a well-formulated theory.²²⁴ Specifically, this method fosters conceptual validity by identifying and measuring indicators that are representative of the theoretical concepts and by emphasizing the role of contextual factors and processes.²²⁵ The emphasis on a contextual analysis frames the centrality of institutional design in divided societies by placing the trajectory of institutional development and ethnic conflict regulation on a continuum of institutional engineering in Iraq. For the given inquiry, the selection of a single-case design aids in testing the utility of historical institutionalism as a paradigm that explains the role of state institutions and institutional design on ethnic conflict in Iraq.

Methodology and Data Collection

As noted above, this dissertation combines an in-depth single case comparative analysis with descriptive statistical analyses. For greater analytical and explanatory leverage, this project employs a mixed-methods research design of Iraq as a single case study. The application of qualitative and quantitative research tools enables us to provide more comprehensive evidence of the given phenomenon and aids in answering questions that cannot be answered using one method alone.²²⁶ This research will adopt a longitudinal approach to data collection that allows a “diacronic analysis of the incidence of conditions and events.”²²⁷ Brady, Collier, and Seawright define a longitudinal analysis as an analysis

²²⁴ Yin, 40-2.

²²⁵ Andrew Bennett and Colin Elman, “Qualitative Research: Recent Developments in Case Study Methods,” *Annual Review of Political Science* Vol. 9 (2009): 19.

²²⁶ Norman Blaikie, *Designing Social Research*, 2nd Ed. (Cambridge: Polity Press, 2010), 219.

²²⁷ Elisabetta Ruspini, “Longitudinal Research in the Social Sciences,” *Social Research Update*, Issue 20 (2000), available at: <http://sru.soc.surrey.ac.uk/SRU28.html>.

of change over time by focusing on one or more variables or cases.²²⁸ Similarly, Hay asserts that a diachronic analysis emphasizes the “process of change over time” by compartmentalizing the process into phases of development.²²⁹ Using the longitudinal and diachronic methods of data analysis will support the empirical and theoretical components of this study by providing the historical context of institutional design in Iraq in order to situate its historic and contemporary impact on ethnic conflict.

A large portion of the research relating to Iraq’s institutional design was obtained using primary and secondary data. Primary historical data was obtained from archival research at the British Archives, the Saddam Hussein Regime’s Collection at the Conflict Records Research Center at the National Defense University in Washington, D.C., the Library of Congress, and Harvard University’s Law Library. Primary data contain documents relating to Iraq’s governing institutions since the British Mandate until the fall of the Ba’th regime in 2003. Secondary data was used alongside primary materials to aid in interpreting the temporal conditions that affected group mobilization and to highlight the added value of this work to existing scholarship on Iraq and governing in divided societies regarding the mobilizing incentives that fuel group grievances. I intentionally omit the usage of person memoirs due to the dearth and difficulty of obtaining such materials, and particularly since this work does not adopt an ethnographic research agenda.

Although works by Peter Sluglett, Adeed Dawisha, Charles Tripp and Toby Dodge also employ British archival sources, this work diverges from their research agendas in

²²⁸ See Glossary in David Collier, Henry E. Brady and Jason Seawright, in *Rethinking Social Inquiry: Diverse Tools, Shared Standards*, eds., David Collier, Henry E. Brady and Jason Seawright (Lanham: Rowman & Littlefield, 2004), 294.

²²⁹ Colin Hay, *Political Analysis: a Critical Introduction* (New York: Palgrave, 2002), 148.

two ways. First, the aforementioned scholars provide general historical narratives of the Iraqi state, focusing on broad socio-economic and political factors that affected its maturation within a newly created regionalized state system. Although Fanar Haddad's seminal work on sectarianism in Iraq also employs archival material, my analysis herein differs in that it is a broader analysis of ethnic conflict and its diffusion in society, inclusive of ethnic, religious, and sectarian affiliations. Second, the application of the archival materials focuses specifically illuminating early forms of ethnic resistance to authoritarianism and exclusion under the British Mandate and subsequently under the British-installed Sunni-Arab monarchy. While this study utilizes the same archives, my research agenda diverges from the aforementioned scholars in that it explores the institutional consolidation of the Iraqi state and ethnic responses to early impediments to state formation and statebuilding in order to illuminate the drivers of ethnic mobilization. I explore how Iraq's majority and minority communities dealt with institutional barriers throughout formative periods, and their responses to the state.

With regard to the Ba'thist state archives, prominent Iraqi historians, including Dina Rizk Khoury and Joseph Sassoon have conducted extensive research utilizing the archives housed at Stanford's Hoover Institution and at the National Defense University.²³⁰ These seminal works provide intricately detailed accounts of the inner workings of the Ba'th Party and its ruling elite. My research using the Ba'thist archives at the National Defense University specifically explored how the regime dealt with ethnic and sectarian dissidence since the regime's consolidation under Saddam Hussein from

²³⁰ See Dina Rizk Khoury, *Iraq in Wartime* (New York: Cambridge University Press, 2013); Joseph Sassoon, *Saddam Hussein's Ba'th Party* (New York: Cambridge University Press, 2012).

1979-2003. The specific focus on ethnic and religious tensions under the Ba’thist period, I complement the aforementioned works by adding an understudied dimension to existing works on Iraq using the same archival data.

With respect to the study’s quantitative contribution, descriptive data found in the last empirical chapter was obtained from the Polity IV dataset, which measures state autocracy across time, the World Bank’s Worldwide Governance Indicators, Transparency International’s Corruption Perception Index which measures levels of corruption, and Freedom House’s country freedom scores which measure political and civil freedoms across time. Multiple regressions measuring the effects of various social and political indicators on group grievances and ethnic fractionalization from 2005-2013 were conducted using data from the Fragile State Index, formerly known as the Failed States Index—created by the Fund for Peace and incorporates twelve socio-economic and political indicators that are aggregated to give a final score fragility score.

Building on these analytical toolkits, the chapters below test the applicability and utility of historical institutionalism as an approach for explaining the origins, development, and durability of ethnic conflict in divided societies like Iraq. The proceeding chapter marks the first critical juncture during the time of state formation and initial statebuilding under the British Mandate in 1920 until the collapse of the Iraqi monarchy in 1958.

Chapter Three

Setting the Path: Exogenous State Formation, Institutional Configuration, and Exclusion, 1920-1958

[T]here is still—and I say this with a heart full of sorrow—no Iraqi people but unimaginable masses of human beings, devoid of any patriotic idea, imbued with religious traditions and absurdities, connected by no common tie, giving ear to evil, prone to anarchy, and perpetually ready to rise against any government whatever. Out of these masses we want to fashion a people which we would train, educate, and refine...The circumstances, being what they are, the immenseness of the efforts needed for this [can be imagined].²³¹

“Iraq is a Kingdom ruled by a Sunni-Arab government.” King Faysal, 1933.²³²

Introduction

This chapter maps early institutional choices that determined the state’s sequential response to ethnic discord in Iraq during the first critical period of state formation and statebuilding. It identifies the institutional processes and governing constraints that produced exclusionary and authoritarian governance that culminated in the politicization and mobilization of ethnic sentiments during the formative period of exogenous state formation and statebuilding under the British Mandate from 1920 until the collapse of the monarchy in 1958. While deploying both political and coercive mechanisms of control, the British Mandate in Iraq created and defined the country’s nascent institutional configuration and sequentially determined the trajectory of ethnic discord that defined the parameters of inclusion and exclusion in the nascent state.

During this initial critical juncture between 1920-1932, we observe that ethnic relations vis-à-vis the state became entangled in an institutional design embedded in mechanisms of exclusion and authoritarianism rather than conciliation and inclusion. This

²³¹ King Faysal I, quoted in Hanna Batatu, *The Old Social Classes and the Revolutionary Movements in Iraq* (London: Saqi, 1978), 25-6.

²³² ‘Abd al-Razzāq Ḥasanī, *Tārīkh al-Wizarat al-‘Iraqiyya* (A History of Iraq Ministries), Vol. 3, (Saida: al-Irfan, 1953), 291.

early pattern of statebuilding set the foundation by which Iraq's fragments both perceived and negotiated their grievances in the emergent state. As will be demonstrated, early institutional choices locked-in oppressive and exclusionary modes of governance effectively sustained and administered by a ruling Sunni-Arab minority. I postulate that early preferential treatment of ethnic and religious elites by colonial powers entrenched ethnic politics culminating in ethnic and sectarian grievances at the onset of state formation. By examining the relationship between early institutional design and the factors that shaped and framed ethnic grievances, I demonstrate why ethno-religious attachments, although a constitutive element of Iraq's socio-cultural fabric, became instruments of exclusionary politics.

I proceed to explain the impact of initial governing choices on the crystallization of ethno-religious identities as elites in the emergent state attempted to consolidate its territorial, political, and socio-economic footing in a newly established regionalized state system. The initial statebuilding schema produced two interlinked processes—the creation of the state's governing institutions and the simultaneous ethno-religious opposition to this initial configuration. Surveying the causal chain of events enables us to reframe the impact of Iraq's early institutional design and initial modes of exclusion and authoritarianism on subsequent governments. While being cognizant of the ontological predicament of studying ethnic conflict in Iraq as “both alarmist and reductionist accounts of ‘sectarianism’ in Iraq are able to furnish their arguments with countless historical examples of sectarian hatred or unity depending on the author's predisposition,”²³³ I argue

²³³ Fanar Haddad, *Sectarianism in Iraq* (New York: Columbia University Press, 2011), 2.

that an analysis of early institutional design provides us with a deeper understanding of the relationship between institutional design and ethnic conflict in divided societies like Iraq and equips us with the necessary toolkits to identify, trace, and explain its subsequent trajectory. Conceptualizing these incongruities of Iraq's institutional formation and transformation vis-à-vis ethnic conflict also aids in answering a seminal question posed by Sluglett: "why the political structures introduced by Britain failed so signally and so rapidly in Iraq."²³⁴

Chapter Outline

The chapter is structured as follows. First, I analyze the economic and geopolitical processes that led to the emergence of a regionalized state system following the collapse of the Ottoman Empire and the subsequent European encroachment into the region. The second section explores the state's early institutional design and statebuilding under the British Mandate in order to contextualize the state that emerged following independence. In the third section, I examine the effects of institutional constraints on group grievances, competing elite ideologies, and the role of the army that cemented authoritarian governance post-independence. Lastly, I analyze ethnic responses to exclusionary and authoritarian governance under the monarchy from Iraq's majority and minority groups as reflected in petitions against the state, civic and associational groups, and the emergence of oppositional political parties.

²³⁴ Sluglett (2007), 213.

Imperial Collapse, Colonialism, and State Formation

Ethnic Politics under Ottoman Iraq

The waning of the Ottoman Empire around the First World War created a fissure in a regionalized system united under a territorially and administratively bound monolith since the sixteenth century. Its collapse resulted in the creation of arbitrarily drawn autonomous states out of otherwise heterogeneous territories following European colonial intervention in the region. Iraq mirrored this developmental trajectory as the product of a colonially created state system.²³⁵ Although its territorial composition is a consequence of this regional development, the Ottoman administration of Iraq treated the territory as a distinct entity with special links between the three Mesopotamian provinces of Mosul Baghdad and Basra.²³⁶ Iraq's state formation can thusly be attributed to two overlapping historical junctures: the decline of the Ottoman Empire and the subsequent colonization of the three *vilayets* (provinces) of Mosul, Baghdad, and Basra by Britain following WWI.

The ethnic and religious composition of Ottoman Iraq consisted of Arabs, Kurds, Turkmen, Persians, Assyrians, Armenians, Chaldeans, Jews, Yazidis, and Sabeans, divided along three primary religious sects: majority Arab Shi'i in the south, predominantly Arab Sunni in the west, and predominantly Sunni Kurds in the north, with Christian populations mainly situated in and around Mosul, and a large Jewish community in Baghdad.²³⁷ Out of a population of three million at the beginning of the Mandate, an

²³⁵ Iliya Harik, "The Origins of the Arab State System," in *The Foundations of the Arab State*, ed., Ghassan Salamé (Kent: Croom Helm, 1987) 23-24.

²³⁶ Nabil Al-Tikriti, "Was there an Iraq before there was an Iraq?" *International Journal of Contemporary Iraqi Studies* 3.2 (2009): 134-35, 141.

²³⁷ Gökhan Çetinsaya, *Ottoman Administration of Iraq, 1890-1908* (Oxon: Routledge, 2006), 13.

estimated half were Shi'is, 20 percent Kurds, and an estimated 8 percent belonging to one of Iraq's smaller minority groups such as the Christians, Yazidis, Sabeans and Turkmen.²³⁸ In contrast, the Sunni Arabs, who constituted less than 20 percent dominated ministerial positions, key governing institutions, and the army's officer corps. The three main provinces were highly fragmented along religious and ethnic lines along with localized tribal and communal identities and attachments that dictated communal interactions with Ottoman administrators.²³⁹ Ethno-religious communities were administered by the *millet* system, an institution that granted religious communities, namely Christians and Jews, a fractional degree of autonomy and self-rule.²⁴⁰ The country's territorial configuration also reflected the ethnic and religious composition of the country.²⁴¹ The post-independence configuration of the provinces reflected a path dependent composition found under the preceding Ottoman regime. Whereas Baghdad formed the heart of the Sunni-Arabs, who dominated key administrative posts, Mosul was predominantly Kurdish and Turkoman with amicable cultural and economic ties to Istanbul, and Basra was an overwhelmingly Shi'i province with traditional ties to Persia.²⁴² These geopolitical divisions determined and defined inter and intra-group relations with the central Ottoman administration. The cities were subdivided along neighbourhoods demarcated by religious, sectarian, ethnic, or tribal lines.²⁴³ This system

²³⁸ Tripp, 31.

²³⁹ Charles Tripp, *A History of Iraq* (New York: Cambridge University Press, 2000), 10-13.

²⁴⁰ Jan-Erik Lane and Svante Ersson, *Culture and Politics: a Comparative Approach 2nd Edition* (Hants: Ashgate, 2005) 206.

²⁴¹ See, Appendix A

²⁴² Malik Mufti, *Sovereign Creations: Pan-Arabism and Political Order in Syria and Iraq* (Ithaca: Cornell University Press, 1996) 23. Mosul also contained substantial minority communities such as the Assyrians, Yazidis, and Shabacks.

²⁴³ Centisaya, 13.

was purposive of both guaranteeing a level of autonomy for the tribes and ethno-religious communities while maintaining control within the Empire. Geopolitical and ideological threats became two factors that dictated sectarian tensions between mid-19th and early 20th centuries.²⁴⁴ In particular, the central administration perceived the Shi'i community and Shi'i expansionism in Iraq as a threat to its stability due to the community's perceived alliance and allegiance to Iran, the contending regional power, as succinctly noted by Centisaya,

The Ottoman Empire was a Sunni state, with which its Shi'i subjects could not be trusted to identify. Nor, in principle, did Shi'i Muslims recognize the Ottoman claim to possession of the Great Islamic Caliphate, a claim which Sultan Abdülhamid repeatedly emphasized in an effort to give religious legitimacy of his regime. In short, the Shi'is were regarded as potentially disloyal.²⁴⁵

The historical grievances of the Shi'i stemming from their marginalization particularly following the second half of the nineteenth century under Ottoman Iraq would shape their demands during the critical statebuilding period in the early part of the twentieth century.

The expansion of British and French colonial interests and their subsequent colonization of the region under the Sykes-Picot Agreement of 1916²⁴⁶ following the collapse and defeat of the Ottoman Empire altered the territorial composition of the Middle East as a regional system as each power delineated their sphere of influence over the emerging states.²⁴⁷ To a large extent, European powers created, administered, and developed—both politically and economically, the institutional capacities of emerging states in the region based on British and French geopolitical and strategic. Consequently,

²⁴⁴ Ebubekir Ceylan, *The Ottoman Origins of Modern Iraq* (London: I.B. Tauris, 2011), 212-13.

²⁴⁵ Centisaya, 99, 126.

²⁴⁶ See Appendix B for a map of European spheres of influence.

²⁴⁷ Reeva Spector Simon and Eleanor H. Tejirian, "Introduction," in *The Creation of Iraq, 1914-1921*, eds., Reeva Spector Simon and Eleanor H. Tejirian (New York: Columbia University Press, 2004), 12.

critical policy formulations on how to govern Iraq as a divided society and the creation of appropriate institutional choices were largely made by Britain under Mandatory Iraq.

Colonialism and State Formation

State formation in the Middle East and Iraq is entwined with the study of European colonial encroachment in the region. Although the regional system that came to characterize the Middle East following the collapse of the Ottoman Empire differed markedly from its European counterpart, the configuration of the nascent states mirrored those of its European architects with respect to its administrative, bureaucratic, and coercive governing structures and institutions.²⁴⁸ However, the arbitrary territorial demarcation of the new states produced divided societies where “traditional categories such as ethnicity, tribe, and various cross-cutting clientelistic networks predominated.”²⁴⁹ As noted by Dawisha, this was apparent in the incongruity of the new states in relation to their ethnic composition where,

States were thus created not necessarily in response to the national demands of indigenous populations, but to satisfy the political and economic interests of the imperial powers. The resultant artificial creations were faced not only with the task of governing, an already difficult undertaking, but also with fusing multiple, and more often than not conflictual, indigenous identities and interests.²⁵⁰

Thus, exogenous state formation and statebuilding under the British Mandate in Iraq similarly sought to consolidate the territorial, political, and socio-economic spheres of the

²⁴⁸ For a succinct contrast of state formation in European and the Middle East, see Lisa Anderson’s seminal work on state formation in the Middle East and North Africa in “The State in the Middle East and North Africa,” *Comparative Politics* 20.1 (October 1987): 4-5.

²⁴⁹ Karen Barkey and Sunita Parikh, “Comparative Perspectives on the State,” *Annual Review of Sociology* 17 (1991): 538. Also, Anderson, 6.

²⁵⁰ Adeed Dawisha, *Iraq: a Political History from Independence to Occupation* (Princeton: Princeton University Press, 2009), 5.

newly formed state. As outlined under the Sykes-Picot Agreement of 1916, the newly established territorial composition was carved into two primary spheres of influence with France obtaining control over Syria and Lebanon and Britain over Palestine, Trans-Jordan, and Iraq.²⁵¹ Once the distribution of the territories was formalized, Britain obtained control of the three Ottoman provinces resulting in the consolidation of the territorial composition of modern day Iraq. The absence of contractual bargaining between communal elites residing in these territories meant that “nationalist alliances were often agreements of convenience rather than durable quid pro quo exchanges.”²⁵² Thus, the Iraqi state, since its inception, was incapable of consolidating its institutional governing capacity with its divided society. Exacerbating these dilemmas of colonial statebuilding was the absence of a social contract that could legitimize and consociate the country’s governing elites with the state’s diverse society.

I argue that Britain’s quest for the creation of a territorially-centralized government under its tutelage produced a monarchical regime incapable of governing and consolidating the multifarious demands of its diverse and divided society. Britain’s statebuilding schema following state formation produced an institutionally-equipped state but one devoid of a social contract that could reconcile a society divided along tribal, ideological, ethnic, and sectarian lines. The regime’s lack of legitimacy dictated its developmental trajectory in terms of its capacity to govern, consolidate, and penetrate society. The outcome was the production of a despotic state whereby the British-installed

²⁵¹ Roger Owen, *State, Power and Politics in the Making of the Modern Middle East*, 2nd Ed. (London: Routledge, 2000), 9.

²⁵² Hendrik Spruyt, “War, Trade, and State Formation,” in *The Oxford Handbook of Comparative Politics*, eds., Carles Boix and Susan C. Stokes (Oxford: Oxford University Press, 2009), 228.

monarchy and its handpicked elites were empowered to act “without the routine, institutionalized negotiation with civil society groups.”²⁵³ Lacking autonomy and reflecting the weakness of the state to accommodate divergent interests of a plural society, state institutions became instruments of control for maintaining the dominance and interests of Sunni-Arabs since the time of state formation. Moreover, the reliance of the state on coercive institutions and the exclusion of non-Sunni Arabs from governing the state contributed to the deterioration of state-society relations.

Exploring Britain’s colonial legacy prior to Iraq’s independence allows us to contextualize the processes that culminated in the formation of the state in 1920. Doing so requires a parallel examination of the domestic factors that affected the trajectory of the state’s development following its independence in 1932 is essential given that a policy priority during the state formation period was the creation of functioning state institutions to guide the internal and external policies of the emergent state. Administrative and coercive institutions initially created and administered by colonial powers enabled Sunni-Arab ruling elites to direct society through key governing institutions relating to the economy, education, and the armed forces.²⁵⁴ The autonomy of these institutions and pervasiveness in society produced two outcomes. First, they were reconfigured and reproduced at different critical periods by ruling elites seeking to either maintain or alter control of the state. Second, the coercive capacity of the state to penetrate every aspect of Iraqi society both sustained successive regimes’ control of society and became the instrument of exclusionary and authoritarian governance.

²⁵³ Michael Mann, *States, War and Capitalism* (Oxford: Basil Blackwell Inc., 1988), 5.

²⁵⁴ Halliday, 87.

Britain, Iraq, and Exogenous State Formation

The fissure created following the collapse of the Ottoman Empire facilitated the encroachment of France and Britain as key European contending powers in the region. The Mandate system in the Middle East became the key institutional impetus for consolidating European regional domination, with its development determined by European economic interests rooted in maintaining a delicate balance of power.²⁵⁵ As noted by Migdal,

The new system of mandates resembled colonialism because it involved the direct appropriation of the highest formal decision-making posts in the society by the outside power...The mandatory powers sought ways to build local forces that could secure their interest in the region without a permanent colonial presence.²⁵⁶

Imperial interests were imbued in expedient modernization and Westernization policies reverberated by their geopolitical division of the region, which, lacking legitimization, could only be rationalized in “terms of the joint interests of the European, nationalist, capitalist states seeking to stabilize their world, diminish the chances of conflict among themselves, and shift the burdens of their mutual accommodation onto other peoples.”²⁵⁷ Thus, Iraq’s territorial consolidation into a functioning state is a product of what Harik succinctly calls the colonially-created state system.²⁵⁸ For British administrators, the colonial state’s formation required the creation of some semblance of legitimacy. The invention of the Mandate system had “many of the features of an old-fashioned colony but it also required the mandate holders to submit to certain internationally sanctioned

²⁵⁵ Binder (1999), 12.

²⁵⁶ Joel S. Migdal, *Strong Societies and Weak States* (Princeton: Princeton University Press, 1988), 147.

²⁵⁷ Binder, 12.

²⁵⁸ Harik (1987), 23-24.

guidelines, notably the need to establish constitutional governments in the new states as a way of preparing their peoples for eventual independence.”²⁵⁹

On a structural level, the Mandate came to resemble a tutelage form of governance administered and financed through indirect rule that sought to both shape and maintain the political, social, and economic configuration of the embryonic state. While the League of Nations entrusted Iraq to be developed politically, economically, and socially to Great Britain in order to equip the state with all the necessary tools for its independence, British administrators would continue to play a pivotal role within its operational and institutional structures.²⁶⁰ Three fundamental reasons bolstered Britain’s creation of Iraq: geopolitical geostrategic security; the discovery of oil; and to fulfil its wartime promises to its Sunni-Arab Hashemite allies of granting Faysal a kingdom in Iraq,²⁶¹ as outlined in an undated memo from the Colonial Office,

- (a) Strategic: We require the facilities granted under the 1930 Anglo-Iraqi Treaty for the defence of Iraq and of the Middle East. Of these the most important is the use of the air bases at Habbaniya and Shaiba. The Treaty, which came into force in 1932 is due to run until 1957. From October 3rd this year either side has been entitled to ask for its revision. The oil of Iraq is of great military value to the United Kingdom in peace and war.
- (b) Economic: Iraq is one of the main sterling oil producing countries of the Middle East. Production this year of the Iraq Petroleum Company and associated companies will be in the region of 20 million tons and is rapidly rising. Under Iraqi Law 70% of Iraq’s share of the oil revenues are devoted to development projects to be undertaken by the Iraqi Development Board. If this Board shows results, Iraq would be an example to her neighbours of the wise use of western resources. The country would also offer increased possibilities for United Kingdom imports and technical assistance. Iraqi oil is an important factor in the United Kingdom’s balance of payments. At the same time it is in our interest to ensure that Iraq remains in the sterling area and we must therefore do whatever we can to demonstrate to her the advantages of her so doing, particularly by meeting her legitimate requirements of imports from sterling sources.

²⁵⁹ Owen (2000), 9.

²⁶⁰ Philip Willard Ireland, *Iraq: a Study in Political Development* (New York: Russel and Russel, 1970), 203-05.

²⁶¹ Reeve Spector Simon, *Iraq Between the Two World Wars* (New York: Columbia University Press, 2004), 4.

- (c) Political: Iraq's voice at such bodies at the Arab League and the United Nations is of value to us particularly if it can influence her representatives against supporting extreme anti-British declarations. Moreover we hope that, so far as the state of Anglo-Egyptian relations permits, Iraq may use her influence with the Arab States in favour of a Middle East Defence Organisation.²⁶²

By replacing the traditional characteristics of direct rule, the Mandate engendered a new form of imperial control for colonial powers whereby emergent states had to be equipped with all the necessary domestic institutional and structural capacity to govern their internal affairs in order to be fully integrated as autonomous states within the international system and to maintain Britain's geostrategic alliance.²⁶³ Attempting to maintain a veneer of legitimacy, Britain's policy for Mandatory Iraq shifted toward the creation of a system whereby "real political power had to be devolved to the institutions of the nascent Iraqi state and the Iraqi politicians running them."²⁶⁴ However, while acknowledging the delicate balancing act of attempting to devolve power to local elites, while, simultaneously, controlling a deeply divided society, British officials favoured the creation of strong governing institutions to counteract anti-British nationalists and religious leaders.²⁶⁵ As will be demonstrated, these early institutional preference created a path dependence of how successive leaders perceived the role of state institutions in relation to governing this highly complex society.

British relations in Iraq were formalized following the Arab Revolt against the Ottoman Empire (1916-1918), led by the *sharif*²⁶⁶ of Mecca, Hussein bin Ali, a

²⁶² CO 730/132/1, *Iraq*, pp 2.

²⁶³ 'Abd al-Razzāq Ḥasanī, *Tārīkh al-ʿIrāq al-Siyāsī al-Ḥadūth (A Political History of Modern Iraq) Vol. 1* (Beirut) Pg. 182.

²⁶⁴ Toby Dodge, *Inventing Iraq* (New York: Columbia University Press, 2003), 1.

²⁶⁵ Dawisha, 22.

²⁶⁶ Arabic word denoting an honourable or reputable person, usually of noble origins.

descendant of the Prophet Muhammed and the father of King Faysal I of Iraq, who hailed from a prominent Sunni-Arab family. The revolt sought to abolish Ottoman control of the region and form a unified Arab kingdom with the aid of Britain. Consequently, France was awarded Syria and Britain gained control of the three Ottoman provinces of Basra, Baghdad, and Mosul at the San Remo conference in 1920. The alliance between Hussein bin Ali and Britain against the Ottomans resulted in Sunni-Arab dominance of emergent states in Iraq, Saudi Arabia, and Trans-Jordan. As succinctly noted by Sluglett,

The British authorities chose to set up an Arab government, recruited largely from the Sunni dignitaries of the towns and the Sunni officers who had fought with Faysal in the Arab Revolt, backed by a network of British advisers in the ministries in Baghdad and in the headquarters of the provincial administrations.²⁶⁷

Thus, the instalment of Faysal by the British was purposive of garnering a minimal sense of legitimacy due to his respected lineage combined with the necessity to control the new state through the artificially imported monarchy. However, Faysal's powerbase consisted of Sunni Arabs from Baghdad and Mosul's lower-middle class strata and were former Ottoman army officers, trained and educated in Istanbul. A few *sharifians*²⁶⁸ supported Faysal's accession to the throne in Iraq for two reasons: one, they shared his vision of a pan-Arab Iraq and region; two, having no elite power base to represent their interests, Faysal's reign facilitated their social aspirations within Iraq.²⁶⁹ This path dependent trend replicated Ottoman Sunni dominance in the governing structures of the new state, which institutionalized "Sunni dominance over the various ethnic, sectarian and linguistic groups

²⁶⁷ Sluglett, 5.

²⁶⁸ *Sharifians* "were the Iraqi officers in the Ottoman army who during World War I abandoned the Ottoman cause and attached themselves to the service of the family of Sharif Husain of Mecca, and especially of his son Faisal, then in active revolt against the Turks." See Batatu (1978), note 53, pp. 27.

²⁶⁹ Mufti (1996), 25.

populating the three geographically distinct areas artificially united after the war was meant to create a united and homogenous society.”²⁷⁰ Consequently, the importation of a foreign, Sunni-Arab, Hashemite monarchy not only resulted in the absence of indigenous support, but instilled distrust among the country’s majority Shi’i and dominant Kurdish minority groups.²⁷¹ This exclusionary beginning would reverberate throughout critical statebuilding periods in Iraq as replicated by successive regimes until the collapse of the state in 2003.

Building on Britain’s colonial experience in Africa and India, British colonial officers learned early on that a form of direct rule was not possible in Iraq. Particularly, the 1920 revolt, shortly following the San Remo conference, coalesced into a national struggle against what both rural and urban, Shi’i and Sunni populations saw as foreign and European imperial rule.²⁷² Adopting policy choices from Africa and India, the Mandate system enabled colonial powers to maintain forms of indirect rule that sought to create a decentralized form of institutional control of elites and native populations predicated on the maintenance of European imperial interests.²⁷³ Although the carefully selected local elites who would participate in the making of the nascent state were tolerant of British rule and the Mandate, Britain needed an institutional apparatus that would secure its tutelage position.

²⁷⁰ Lukitz (1995), 14.

²⁷¹ Mark Heller, “Politics and the Military in Iraq and Jordan: 1920-1958: the British Influence,” *Armed Forces and Society* 4.1 (November 1977): 78.

²⁷² For a succinct account of the major reasons for the 1920 Revolt, see Simon, 46-48.

²⁷³ Indirect rule was pioneered by Lord Lugard, British colonial governor of Nigeria. See Mahmood Mamdani, *Citizen and Subject* (Princeton: Princeton University Press, 1996), 7, 17-18.

The annexation of Iraq was formalized by the Anglo-Iraqi Treaty of 1922 (later revised in 1930 two years prior to Iraq's independence) and signed by Britain's High Commissioner Percy Cox and the *Naqib* of Baghdad as the country's first Prime Minister, 'Abd-Ur-Rahman. It formalized and defined the relationship between Britain and the Iraqi monarchy under King Faysal I. The treaty ensured that Iraq, under Britain's aegis, became both financially and politically receptive to British colonial interests. Article IV summarily captures this relationship,

Without prejudice to the provisions of Articles XVII and XVIII of this Treaty, His Majesty the King of Iraq agrees to be guided by the advice of his Britannic Majesty tendered through the High Commissioner on all important matters affecting the international and financial obligations and interests of his Britannic Majesty for the whole period of this Treaty. His Majesty the King of Iraq will fully consult the High Commissioner on what is conducive to a sound financial and fiscal policy and will ensure the stability and good organisation of the finances of the Iraq Government so long as that Government is under financial obligations to the Government of his Britannic Majesty.²⁷⁴

The treaty served two purposes. First, it legitimized British administration of Iraq in order to ready the newly formed colony for independence—a position favoured by the League of Nations. Second, it operationalized this position on a partnership basis financed by Britain with prominent members of Iraq's emerging rule elite, composed primarily of Sunni-Arab nationalists from Baghdad who had also formed Iraq's governing elite under the Ottoman administration. This critical position would come to resonate with successive ruling elites during formative statebuilding periods in Iraq as Sunni-Arab elites would come to dominate governing structures and institutions. Thus, Iraq, from its inception, fostered an exclusionary conception of who belonged to the state, while its nascent

²⁷⁴ (PRO), T 161/157, *Treaty with King Feisal*, October 1922, pp 3.

institutional apparatus and governing structures served to legitimize this exclusionary narrative.

In sum, Iraq's state formation mirrored that of most post-colonial states and societies, albeit with varying dynamics, processes, and outcomes. If statebuilding (administrative capacity-building) and identity-building (the creation of a common national civic identity) are entwined in the process of nation-building, it became apparent that the absence of the latter at the expense of former has defined Iraq's state and institutional development.²⁷⁵ By mapping and outlining the processes that defined Iraq's state formation, I intend to divulge the conditions that underpin this critical period that led to the production of the dual processes of what Spruyt calls governmental capacity and territorial definition of the state, both of which are crucial for analyzing and determining a state's regime type.²⁷⁶ Furthermore, identifying the causal mechanisms that determined Iraq's state and institutional composition is purposive of illuminating and contextualizing the initial conditions that set the path for the development and institutionalization of authoritarian and exclusionary governing patterns.

Setting the Path: Statebuilding under the British Mandate

Colonial Institutional Design

²⁷⁵ Andrea Kathryn Talentino, "The Two Faces of Nation-Building: Developing Function and Identity," *Cambridge Review of International Affairs* 17.3 (October 2004): 559.

²⁷⁶ Spruyt, 213.

Statebuilding in Iraq began in the 1920s with the creation of the state's governing institutions, basic infrastructure capacity building, and the consolidation of the state's territories under British auspices led by colonial administrators. British officials initially looked to their statebuilding efforts in India to model the basic foundations of the nascent state whereby "the country was organized along Indian lines with political districts run by British officers who reported back to the central administration."²⁷⁷ In fact, a total of 2216 Indians were employed along with British and some native Arabs, Kurds, and Jews in Iraq's early administrative positions.²⁷⁸ Three years into the Mandate, Iraq was equipped with an army, monarchy, provincial and municipal governments and governing councils, a parliament and cabinet, elections and electoral laws, literary, scientific and charitable institutions, national police, prisons, and financial institutions.²⁷⁹

Cognizant of Iraq's ethnic divides, the formation of the Provincial Government in 1920 was carefully crafted by Percy Cox (Britain's colonial administrator) to be representative of the country's ethnic and religious elites. The first governing structure of the nascent state consisted of a nine-person Provisional Governing Council, consisting of the following institutions and representatives:²⁸⁰

Table 2: Composition of Iraq's First Provisional Governing Council

Ministerial Position	Representative
Council President	'Abd-ur-Rahman, <i>Naqib</i> (Captain) of Baghdad
Interior	Saiyid Talib Pasha
Finance	Sasun Effendi Haskail (Jewish, Baghdad)
Justice	Mustafa Effendi Alusi

²⁷⁷ Dodge, 10-11. See also Philip Willard, *Iraq: a Study in Political Development* (New York: Russel & Russel, 1970), 145-47.

²⁷⁸ Ireland, 147.

²⁷⁹ FO 371/8998, Report of the High Commissioner to Baghdad, *Finance, Administration, and Condition of the Iraq*, May 29 1923.

²⁸⁰ FO 371/8998, pp 3.

Defence	Ja‘far Pasha al‘Askari
Public Works	‘Izzat Pasha
Education and Health	Saiyid Muhammad Mahdi Tabatabai (Shi‘i, Karbala)
Commerce	‘Abdul Latif Pasha Mandil
<i>Augaf</i> (Religious Endowments)	Muhammad ‘Ali Effendi Fadhil

In order to make the Council more representative, Cox appointed an additional nine members from Iraq’s Shi‘i, Christian, Sunni communities to ensure that the Council “represented very comprehensively the various interests and communities of the people.”²⁸¹ The subsequent Electoral Law of 1924 similarly delineated proportional representation for Iraq’s minority communities in the *liwas* (provinces) where they comprised a substantial numerical group, as demonstrated in Table 3:²⁸²

Table 3: Proportional Representation of Minorities by Province

	Mosul	Baghdad	Basra
Christians	2	1	1
Jews	1	2	1

The law also granted universal suffrage for all men aged twenty years and older, established an Electoral College for each province, with the following distribution of deputies per eligible male population: 1 deputy/10,000-20,000, 2 deputies/30,000, 3 deputies/50,000, 4/70,000+.²⁸³

The next step in the statebuilding schema was the establishment of a monarchy by crowning of Faysal as the first king of Iraq, who secured a 96 percent electoral victory in

²⁸¹ FO 371/8998, pp 3.

²⁸² CO 813/1 Iraq Government Gazette, No. 24, *The Electoral Law for the Chamber of Deputies, 1924*, November 27 1924, pp. 2.

²⁸³ CO 813/1 Iraq Government Gazette, No. 24, *The Electoral Law for the Chamber of Deputies, 1924*, November 27 1924, pp. 1.

a moot national referendum.²⁸⁴ By July 11 1921, the council had passed a resolution announcing Faysal as the first king of Iraq and a “constitutional, representative and democratic Government limited by law.”²⁸⁵ The provisional government and the council were abolished following Faysal’s accession to the throne and replaced by a new cabinet shortly thereafter, albeit, with special British advisers overseeing all ministers and cabinet meetings.²⁸⁶ Although the majority of the country’s urban and part of its rural Arab population (both Sunni and Shi’i Arabs) supported Faysal’s accession, the country’s prominent minority groups, the Kurds and Turkoman of Kirkuk and Mosul rejected Faysal’s candidacy citing concerns over the instalment of an Arab government, while the Kurds of Sulaymaniya boycotted the referendum. In addition, provinces along the Euphrates also rejected Faysal’s accession, favouring continued British control instead; thus, calling into question the purported overwhelming support for the new king.²⁸⁷

In this period of early state formation and statebuilding, we also see the promulgation of laws that also prescribed state-citizen relations. The consolidation of the state required that former Ottoman subjects be integrated into the statebuilding schema. By 1924, the Iraq Nationality Law defined the boundaries of political incorporation by granting Ottoman subjects Iraqi citizenship who were “declared to have ceased to be Ottoman subjects and to have acquired ‘Iraq nationality on that date.’”²⁸⁸ Other laws were created to impose institutional constraints on civil society and civic participation.

²⁸⁴ FO 371/8998, pp 9.

²⁸⁵ Ibid, pp 8.

²⁸⁶ T 161/157, *Protocol to 1922 Treaty with King Feisal*, April 30 1923.

²⁸⁷ Stephen Hemsley Longrigg, *Iraq 1900-1950* (Oxford: Oxford University Press, 1953), 133.

²⁸⁸ CO 813/1, Iraq Government Gazette, *The Iraq Nationality Law*, October 31 1924, pp. 5.

Circumspect of the nascent country's ethnic and religious divisions, the King commissioned a Law of Associations in 1922, which defined and, to an extent, severely limited the formation of civic associations for the following purposes:

- (a) Which are formed for objects contrary to Law or public morality.
- (b) Which are formed for objects dangerous to public safety or the integrity of the territories of 'Iraq.
- (c) Which seek to foster differences between the various elements of the population of 'Iraq.
- (d) Which seek to change the established form of Government.
- (e) Which being of a political nature, purport to represent any of the various racial or religious elements of 'Iraq.
- (f) Which, being of a political nature, are formed under a name from which the objects of the Association cannot be clearly understood.
- (g) Which are of a secret nature or do not disclose the purposes for which they are formed.²⁸⁹

These institutional constraints reflected fears of invoking identity politics within civil society that would lead to the state's loss of control over the emergent public sphere. Interestingly, successive Iraqi governments would impose similar institutional constraints throughout different time periods in Iraq's political history culminating in the Ba'thist absolute penetration of the social, economic, and political spheres that lay outside the state's coercive apparatuses.

The country's institutional landscape changed drastically a decade into the Mandate as British colonial administrators and Iraqi elites assembled the emergent state. By 1930, Iraq was equipped with fifteen governmental ministries and departments governing all aspects of the public sector and public works.²⁹⁰ The drafting of a national constitution in the form of an "organic law" was a critical component of the statebuilding

²⁸⁹ CO 813/1, Iraq Government Gazette, No. 14, *Law of Associations, 1922*, July 31 1922, pp. 2.

²⁹⁰ These included: public debt and pensions; civil list; parliament; comptroller and auditor general; council of ministers; ministry of foreign affairs; ministry of finance; customs and excise; ministry of interior; Iraq police; health services; ministry of defense; ministry of justice; *tapu* (land deed/registration) department; ministry of education; ministry of communications and works; public works department; postal and telegraph services; ministry of irrigation and agriculture; agriculture department; and an irrigation department. CO 730/156/7, Ministry of Finance, *Budget of the Government of Iraq, 1930*, pp 16.

process that defined the administrative and institutional capacity of the state. This top-down exclusionary process was devised by British administrators and the General Assembly with the aid of a select few Sunni Arab ruling elites and lacked broad-based indigenous support in the form of negotiations between the state, citizens, and Iraq's diverse ethno-religious elites.²⁹¹ Article III of the Anglo-Iraqi Treaty of 1922 mandated the creation of the "Organic Law" as a mechanism for inculcating a semblance of legitimacy and democratic and liberal ideals that would define the structural and political organization of the state.²⁹² The constitution proclaimed the state a hereditary constitutional monarchy with a representative government, delineated the functions of the Crown, the legislature and the ministers, established the country's courts and judicial branch, and regulated the country's financial and administrative duties.²⁹³ Politically, the new state was a bicameral parliamentary democracy with executive, legislative, and judicial branches of government. Although a semblance of separation of powers and a system of checks and balance was maintained, the King exercised supremacy and executive authority over parliament and the assemblies through a royal *irada* (*decree*) and in the powers allotted to him through the selection of the prime minister, cabinet, and ministerial appointments structured as following,²⁹⁴

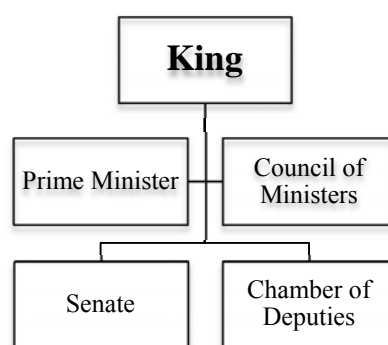
Figure 9: Governing Structure of Iraq's first Parliament

²⁹¹ 371/8998, pp 82-83.

²⁹² T 161/157, *Iraq, Treaty with King Feisal*, October 1922, pp. 3.

²⁹³ CO 730/132/1, *The Iraq Constitution*, 1925.

²⁹⁴ *Ibid*, Articles 26-27.



The prime minister and council of ministers (not exceeding nine and no less than six and could serve in either the senate or the chamber of deputies) were appointed by the King to serve as his advisors and regulated the functions of state ministries. The senate, not exceeding twenty members and serving a maximum eight year-term, were directly appointed by the King and served alongside the chamber of deputies (directly elected by eligible voters to serve a four-year term) and were tasked with conducting and regulating the legislative affairs of parliament. The chamber of deputies, the only directly elected body in parliament, representing 1/20,000 males, served four-sessions terms. Laws were passed by both assemblies of parliament and ratified by the King.²⁹⁵

In terms of ethnic representation, the new constitution allotted group-based rights and entitlements for religious and sectarian communities. Article 16 permitted the right of Iraq's Jewish and Christian communities to establish communal and linguistic schools and Article 69 divided the judiciary into three separate branches: civil courts (addressed civil and criminal proceedings of all Iraqis), religious courts (*Shari'a*- concerning matters pertaining to the Shi'i and Sunni communities), and special courts of the Spiritual

²⁹⁵ CO 730/132/1, *The Iraq Constitution*, 1925.

Councils of Iraq's Jewish and Christian communities.²⁹⁶ Similarly, Articles 78 and 79 permitted the formation of Jewish and Christian Spiritual Councils and Article 112 facilitated the creation of Administrative Councils in the given provinces.²⁹⁷ Although the constitution failed to define groups along ethnic lines, religious and sectarian concessions were constitutionally entrenched as mechanisms for consolidating the country's social divisions with the state's governing structures and institutions while also incorporating the rights and privileges enjoyed by Iraq's ethno-religious communities under Ottoman control.

While the country's institutional configuration reflected the nuanced changes that were taking place within the evolving state, the continuation of some Ottoman structures and institutions were discernible as the country's institutional transformation oscillated between institutional conversion (reorganizing old institutions to serve new purposes that are attached to old structures) and layering (new conditions attached to existing institutions for the purpose of slowly altering their status and structure)²⁹⁸ that served to coalesce the former Ottoman provinces into a territorially-centralized independent state by 1932. This was echoed in Article 113 Iraq's first constitutional document, which stipulated that,

Ottoman Laws published before the 5th November, 1914, and laws published on or after that date and which have remained in force in 'Iraq up to the time of the publication of this law, shall remain in force in 'Iraq so far as circumstances permit, subject to any modification or repeal in conformity with the proclamations, regulations and laws referred to in the following article, and until the year altered or repealed by the legislative power, or the High Courts issues a decision rendering them null and void in accordance with the provisions of Article 86.²⁹⁹

²⁹⁶ CO 730/132/1, *The Iraq Constitution, 1925*.

²⁹⁷ Ibid.

²⁹⁸ On conversion and layering, see Streeck and Thelen, *Beyond Continuity: Institutional Change in Advanced Political Economies* (New York: Oxford University Press, 2005), 31.

²⁹⁹ CO 730/132/1, *The Iraq Constitution, 1925*, pp. 20.

Similarly, Article 114 safeguarded all laws promulgated by Britain's administrators from November 5 1914 until the signing of the constitution in 1925.³⁰⁰ This was also reflected in the continued administration of the three major provinces based on the Ottoman Vilayet (provincial) Law of 1864 and the continuation of the land tenure system through *tapus* or title deeds introduced in 1858, which effectively introduced private land ownership.³⁰¹ The latter was served a dual purpose: to consolidate and strengthen Ottoman administration, while, simultaneously, minimize the power of tribal sheikhs in the countryside.³⁰² Additionally, although the British occupation brought a temporary halt to provincial elections that were conducted under Ottoman rule, they were reintroduced in 1921.³⁰³ New institutions were designed to serve new ends. For instance, the British-created Tribal Civil and Criminal Disputes Regulation provided rural tribal sheikhs autonomous powers in administering their affairs such as settling disputes and collecting taxes.³⁰⁴ This incremental transformation of Iraq's institutional landscape both shaped and defined the political composition of the new state.

Paradoxically, it is during this contentious beginning that we see the emergence of exclusionary and authoritarian governance. Although the constitution defined the institutional composition of the state, it also enshrined authoritarianism as reflected in the executive powers allotted to the King over the electorate in numerous ways. First, the broad and pervasive constitutional powers assigned to the King and the executive branch

³⁰⁰ CO 730/132/1, *The Iraq Constitution, 1925*.

³⁰¹ Tripp, 15.

³⁰² Batatu, 74.

³⁰³ FO 371/8998, 14.

³⁰⁴ Tripp, 37.

left little room for the *bona fide* institutionalization of a system of checks and balances and a separation of powers. While Article 26 allotted vast executive powers to the monarchy relating to holding elections for the chamber of deputies and the functions of parliament (including confirming laws, opening, adjourning, and dissolving parliament and the chamber of deputies), Article 27 gave the King a royal *irada* or decree, which effectively enabled him to exercise an executive veto over parliament and the legislature.³⁰⁵ Similarly, Article 28 proclaimed that “Legislative power is vested in parliament and the King. Parliament is composed of the Senate and the Chamber of Deputies.”³⁰⁶ Whereas the senate, council of ministers, and prime minister were all appointed by the King, the chamber of deputies was the only elected body in parliament, which also required confirmation by the King. Second, the institutionalization of a Sunni-Arab hereditary monarchy with vast constitutional powers that severely limited both the electoral process and democratic governance further cemented this minority community’s dominance of the nascent state and governing institutions from the Ottoman administration. As will be demonstrated, this trend would only be reversed with the toppling of the Ba‘th party in 2003.

Configuring a ‘Nation’-State

Statebuilding under Mandatory Iraq oscillated between configuring the state’s governing structures and institutions on the one hand and the orientation of a fragmented society to accept the emergent political order and power dynamics, on the other. Further, the

³⁰⁵ CO 730/132/1, *The Iraq Constitution, 1925*, pp. 5-6.

³⁰⁶ *Ibid*, 6.

reintegration of predominantly Sunni-Arab Ottoman-trained Sharifian military officers into the governing structures of the state played a pivotal role in reproducing and sustaining Ottoman ruling elites.³⁰⁷ Moreover, this initial exogenous statebuilding period was predicated on the manipulation of local identities and elites in order to ensure both the creation and survival of the nascent Iraqi state. The latter occurred simultaneously with the creation of new institutions to structure and accommodate the newly established parliamentary monarchy. However, the manufacturing of a “nation-state”—“a political-institutional approach that attempts to match the political boundaries of the state with the presumed cultural boundaries of the nation, or vice versa,” instead of the formation of a “state-nation” by devising a “political-institutional approach that respects and protects *multiple but complementary sociocultural identities*”³⁰⁸ both delegitimized the state that emerged and resulted in the absence of a binding national civic identity predicated on common bonds of citizenship. This produced two outcomes. First, the types of institutional and structural restraints shaped the types of resistance that emerged against the state, particularly under the monarchical and subsequent republican periods. Second, these early governing problems stemming from the inability of the state to consolidate, integrate, and reconcile its diverse ethno-religious groups as well as the country’s rural populations cemented Sunni Arab rule for decades to come. In essence, early statebuilding in Iraq institutionalized and coagulated the rule of a few over the many.

³⁰⁷ David Pool, “From Elite to Class: the Transformation of Iraqi Leadership, 1920-1939,” *International Journal of Middle East Studies* 12 (1980): 334, 337.

³⁰⁸ Alfred Stepan and Juan J. Linz, *Crafting State-Nations: India and Other Multinational Democracies* (Baltimore: Johns Hopkins University Press, 2011), 4.

Likewise, the entrenchment of exclusion during period of colonial statebuilding set the institutional path by which successive ruling elites defined the parameters of inclusion and exclusion of ethnic groups from the emergent political arena post-independence. In sum, the British Mandate in Iraq sought to both consolidate and solidify the nascent state's territorial and institutional composition as well as its geopolitical and socio-economic position in a developing regional state system. The arbitrary demarcation of new states meant their territorial composition was not always reflective of their heterogonous populations. Rather, the territorial boundaries were, and continue to be, reflective of a heterogeneous mixture of ethnic and religious populations residing in contiguous nation-states. As an artificially and externally created state, Iraq exemplified a fractured nation with competing ethnic and religious groups seeking to consolidate divergent, and at times, mutually exclusive socio-economic and political objectives.³⁰⁹ Britain's mandatory responsibilities as noted in the Permanent Mandates Commission (PMC) was never the,

Attainment of an ideal standard of administrative efficiency and stability as a necessary condition either of the termination of the Mandatory regime or of the admission of Iraq to membership of the League of Nations. Nor has it been their conception that Iraq should from the first be able to challenge comparison with the most highly developed and civilized nations of the modern world.³¹⁰

The resulting state was a concoction of shifting ideologies and boundaries of inclusion and exclusion defined and manufactured by a state with “a multiplicity of shifting groupings and forces that had conflicting interests and sentiments, but that were speaking

³⁰⁹ Sami Zubaida, “The Fragments Imagine the Nation: the Case of Iraq,” *Survival*, 34, 2 (May 2002): 206.

³¹⁰ Quoted in Dodge (2003), 40.

the language of patriotism, the nation, and representation and constitutions, albeit in the context of vague and shifting spheres of reference.”³¹¹ Moreover, although the institutional design of the colonial state mirrored that of its Western European counterpart, the transplantation of Western models of statehood to states in the Middle East resulted in a “political field,” characterized by, and discursively framed in Western notions of modern forms of organization, administration and rule permeated by structural and institutional transformations of the newly established territories, without them being Western states.³¹²

These early institutional constraints also shaped the type of resistance that emerged against the state. The Mandatory period, I argue, produced three outcomes: first, it defined the state’s institutional setup; second, exclusion cemented the trajectory of ethnic discord as groups mobilized to respond to the state; third, the path dependent nature of this early institutional setup that favoured one group over others and the inability of the state to consolidate the demands of its fragments shaped successive institutions and governing patterns. Actors and elites altered institutions to serve emerging ideologies and regimes particularly under the Ba’thist era where institutions were transformed to serve new exclusionary and authoritarian ends. These historical legacies of Iraq’s colonial experience provide a crucial explanatory variable for conceptualizing the emergence of authoritarianism and exclusion and their impact on ethnic mobilization. As succinctly noted by Sluglett, the limitations of governing Iraq under the monarchy and beyond can be traced to mechanisms and institutional choices made under the Mandate.³¹³ In order to

³¹¹ Zubaida, 211.

³¹² Sami Zubaida, *Islam, the People, and the State* (London: I.B. Tauris, 1993), 145-46.

³¹³ Sluglett, 211.

map the legacies of these causal mechanisms, it is instructive to explore why the country's institutions under the monarchical era reproduced exclusionary governing structures that became ineffective at consolidating a social contract between the King and his people.

Governance Post-Independence: Institutions, Elites, and the Army

Consolidating a Divided State

Iraq's independence was formalized in October 1932 following its recommendation into the League of Nations resulting from the 1930 treat with Great Britain.³¹⁴ The circumstances leading to its independence were a product of a shift in the international order following WWI and Wilson's Fourteen Points emphasizing and legitimizing state sovereignty based on the formation of nation-states within the global community of states³¹⁵ and Britain's expedient attempt at relieving itself of its financial obligations to a costly statebuilding project in Iraq.³¹⁶ At the time of independence, Iraq was a deeply divided society exhibiting segmental cleavages along ethnic and sectarian lines between the country's Sunni and Shi'i Arabs as well non-Arab minority groups such as Kurds, Assyrians, Yazidis and a strong rural/urban divide all of which resulted in their lack of incorporation within the governing structures of the nascent state.³¹⁷ Failed British promises to the Assyrians, Turkmen, Kurds and Yazidis at the time of independence cemented their reservations about the emergent state.³¹⁸ A stipulation presented by the

³¹⁴ CO 813, "Treaty of Alliance Between Iraq and Great Britain," *Iraq Government Gazette*, January 25 1931.

³¹⁵ Giddens, 261-62.

³¹⁶ Toby Dodge, "Iraq: the Contradictions of Exogenous State-Building in Historical Perspective," *Third World Quarterly* 27.1 (2006): 195.

³¹⁷ Longrigg, 222.

³¹⁸ Lukitz, 22-49.

League, of which Iraq promised to uphold, was the protection of minorities following independence.³¹⁹ Thus, territorial consolidation did not follow national conciliation as state institutions continued to be the exclusive domain of ruling elites. Complicating matters was the ethno-religious breakdown of the country according to the first national census conducted in 1947:

Table 4: National Ethnic Distribution, 1947

Ethnic Group	Total Percentage of the population
Arab Shi'i	51.4
Arab Sunni	19.7
Kurd Sunni	18.4
Persian Shi'i	1.2
Turkmen Sunni	1.1
Turkmen Shi'i	0.9
Kurd (Fayli-Shi'i)	0.6
Assyrian and Armenian Christians	3.1
Jews	2.6
Yazidis and Shabaks	0.8
Sabeans	0.2

Source: Hanna Batatu (1978), 40.

As will be demonstrated, the modes and processes of exclusion that emerged since independence in 1932 following exogenous statebuilding from 1920-1932 were symptomatic of the statebuilding schema adopted under the Mandate period particularly the institutionalization of Sunni-Arab minority rule over an ethnically and religiously

³¹⁹ CO 730/162/8, *League of Nations: Protection of Minorities*, 1931.

diverse society. The lack of accommodation of non-Sunni Arabs did not diverge greatly under the monarchy from the Mandate era. Rather, institutions devised prior to independence became instruments for cementing exclusionary governance under the monarchical era as Sunni-Arab ruling elites sought to maintain the pre-independence status quo allotted to them by British colonial administrators.

Institutions and Authoritarianism under the Monarchy

From the onset, the parliament and cabinet defined the institutional composition of the state. Parliament was chosen as an alternative to direct rule following a treaty with King Faysal.³²⁰ However, confounding this institutional design was limitation placed on parliamentary and cabinet powers by the executive veto power allotted to the King through a royal *irada* (decree) in Article 27 of the 1925 constitution. The inclusion of a clause that limited the power of the only elected branch, the Chamber of Deputies, was purposive of institutionalizing and securing colonial control of the government, as noted by Henry Dobbs, the High Commissioner,

In light of experience of other Oriental Assemblies, there is to my mind real danger that an irresponsible extremist majority may in early stages of Self-Government seek to paralyse state activities by refusing supplies for essential services...It is therefore essential to have provision for enabling the Executive to carry on.³²¹

Agitation to the 1930 treaty with Great Britain defined the nature and purpose of opposition both prior to and following Iraq's independence in 1932. The institutional limitations of the monarchy were reflected in the exclusionary and constricted nature by

³²⁰ Sluglett, 44-50.

³²¹ CO 10606/23, *High Commissioner Telegram*, February 21 1923.

which they were created under the Mandate resulting in a large rural-urban divide and lower urban classes exacerbated by the coagulation of urban Sunni-Arab rule over the state.³²² The institutionalization of exclusionary politics at the time of independence resulted in the production and maintenance of authoritarian governance as “key state institutions became instruments in the hands of powerful individuals and their followings, encouraging factionalism among officials and throwing into question the nature of their royalties.”³²³ Thus, institutions, as with ideology, became the exclusionary instrument by which elites attempted to politically consolidate the nascent state.

The inability of ruling elites to incorporate contending groups through a social contract became reflected in Iraq’s developmental trajectory. The ex-sharifian officers—predominantly Sunni-Arabs from Baghdad and the northern part of the country who had served as officers in the Ottoman army monopolized premierships appointments between 1921-1958.³²⁴ The lack of adequate representation and incorporation of Iraq’s minorities and the Shi’i majority within governing institutions led to the reproduction of exclusionary patterns under the Mandate.³²⁵ This is best evidenced by the ethnic representation in ministerial and cabinet positions. Although Shi’is comprised 51.4 percent of the total population as of the 1947 census, they remained underrepresented in ministerial positions during the monarchical years between 1921-1958, as demonstrated in Table 5 below:

Table 5: Distribution of Shi’is in Ministerial Positions under the Monarchy

Years	Total Appointments	Shi’is Appointments	Percentage
1921-1932	113	20	17.7

³²² Marr, 34.

³²³ Tripp, 77-78.

³²⁴ Batatu, 176.

³²⁵ Al-Hasani, *Tārikh al-Wizarat al-Iraqiya* (A History of Iraqi Cabinets), Vol. 2.

1932-1936	57	9	15.8
1936-1941	65	18	27.7
1941-1946	89	25	28.1
1947-1958	251	87	34.7
Total	575	159	27.7

Source: Adapted from Batatu (1978), 47.

This pattern is also observed in the disproportionate representation of Sunni-Arab in premiership positions from the Mandate until the fall of the monarchy. Of the twenty-three premiers that were appointed between 1921-1958, 19 were Sunni-Arab (4 of which were Arabized-Kurds) and 4 Shi'i.³²⁶ Further, the communal breakdown of cabinets posts held between 1920-1936 further reinforces Sunni-Arab control of the state. Out of 59 cabinet posts, 14 were Shi'is, 2 Christians, 1 Jew, and the remainder 42 posts were allotted to Sunni-Arabs.³²⁷ It is imperative to note the disproportionate representation of appointees from Baghdad and city-notables of professional and military backgrounds in the aforementioned institutions.³²⁸

Complicating this governing trend was the commandeering of the institutional landscape by a few select ruling elites. This is reflected in the duration of elected officials under the monarchy. Between 1930-1958, Iraq transitioned between forty-eight cabinets averaging five and a half months, where fifty-percent of cabinet ministers and portfolios were rotated between fourteen prominent, mostly Sunni-Arab ruling elites.³²⁹ Two men held twenty-one out of the forty-eight PM positions: Nur al Sa'id, fourteen times, and

³²⁶ Batatu, 180-84. See also Phebe Marr, "Iraq's Leadership Dilemma: a Study in Leadership Trends, 1948-1968)," *Middle East Journal* 24.3 (Summer 1970).

³²⁷ Tarbush, 46-7.

³²⁸ Tarbush, 46-7.

³²⁹ Dawisha, 149.

Jamil al Midfa'i, seven times, both Sunni-Arabs.³³⁰ These trends reveal two critical assumptions in the state's governing patterns. First, they reflect elite cooptation of the state's institutional and structural landscape in order to maintain the Sunni-Arab and urban governing status quo. Second, and as a result of the first, diverging from this exclusionary governing pattern became more difficult as institutions were influenced by the socio-political dynamics of the monarchical era. Thus, the cost of switching to a more inclusive and representative government became increasingly difficult as elites viewed switching to more conciliatory alternatives a zero-sum game that would only produce on set of ethnic winners and losers.

The inadequate representation of Shi'is trickled down to provincial and district officers as noted in a 1921 intelligence report that highlighted the absence of a Shi'i representative in the five provincial governors positions and the appointment of 1 Shi'i out of 9 positions for district officers.³³¹ Moreover, although the Kurds constituted 17 percent of the population, they held 22 percent of high-ranking government posts, while the majority Shi'i held 15 percent in 1930 due to the reluctance of Iraq's Sunni rulers to include Shi'is in governing positions and the latter's rejection of Sunni and British rule.³³² Of the smaller non-Arab minority communities, only Hasqayl Sasun—a Jewish financier who had held positions in Istanbul, was appointed as the Minister of Finance in Iraq's early cabinets.³³³ The exclusionary nature of state institutions echoed throughout the monarchical era. In 1947, Iraq elected its first Shi'i Prime Minister, Salih Jabr, whose

³³⁰ Ibid.

³³¹ FO 371/6350/3116, *Intelligence Report*, January 15 1921.

³³² Nakash, 109-10.

³³³ Longrigg, 127.

tenure lasted less than one year, as was the case of his Shi'i successor, Muhammad as-Sadr.³³⁴ Kedourie attributes Jabr's short-lived tenure to the unfolding political processes stemming from the Anglo-Iraqi treaty negotiations as well as rising anti-Shi'i sentiments from various Sunni-political classes.³³⁵

The fragility of early democratic institutions was a product of shifting power struggles between predominantly Sunni-Arab elites who sought to maintain exclusionary patterns of governance. Two contending institutions emerged between 1930-1958: the parliament and the army, both dominated by elites that vied for distinct spheres of power and influence. As noted by Dawisha, a key weakness of parliament was the constant rigging of elections coupled with the selection and approval of deputy candidates prior to elections.³³⁶ This is exemplified by the 1924 Electoral Law, which underwent two amendments in 1946 and later in 1952, both restricting the elected house in parliament while allotting greater powers to the King and the executive branch. It is in the latter period we see an alteration in the pattern of political consolidation that effectively institutionalized exclusionary governance exemplified by a list of amendments proposed and approved by parliament. The first included an amplification of penalties against individuals making defamatory remarks or statements regarding the electoral process or the selected candidates, which the opposition and the press viewed as clear manipulation of the electoral process noting that the government sought to "impose a 'barefaced' dictatorship on the people and to deprive them of their constitutional right to check

³³⁴ Ibid, 182.

³³⁵ Elie Kedourie, "Anti-Shiism in Iraq under the Monarchy," *Middle Eastern Studies* 24.2 (April 1988): 249.

³³⁶ Dawisha, 122.

election results.”³³⁷ Another critical amendment was the elimination of Jewish representation in parliament that had been guaranteed in the Electoral Laws of 1924 and 1946 with the abrogation of any reference to “Jew” or “Jewish” from representation in the Chamber of Deputies.³³⁸ This was a consequence of wider regional developments following the creation of the state of Israel as the Jewish homeland in 1948 following the expulsion of Palestinians from Palestine. The representation of Christians in the three main provinces to the Chamber of Deputies was maintained in the new Electoral Law of 1952.

Similarly, the government’s attempted interference with civil society by way of the legislative and executive branches delegitimized democratic governance. For example, Press Ordinance No. 24 of 1945 severely restricted the free press by setting limits on publication content. Specifically, Article 20 prohibited the publication of any materials criticizing the King and the government, while Article 21 proscribed the publication of any content perceived to incite religious or communal hatreds or threats to public order.³³⁹ Circumspect of rising ethnic and sectarian discontent, parliament passed the Associations Ordinance of 1954 that arbitrarily limited the formation of associations. In particular, Article 3 prohibited the formation of organizations and associations for the following purposes:

- a) It is not permissible to form an association whose aims are contrary to public order and morality, or seek to disturb public safety or to endanger the unity of the country, or to change the established form of Government, or to foster differences in society.
- b) It is not permissible to found a political association on either a racial or a sectarian basis.

³³⁷ FO 730/132/1, EQ 1016/21, T. E. Bromley, *Embassy Dispatch No. 87*, July 3 1952, pp. 2.

³³⁸ FO 730/132/1, EQ 1016/21, T. E. Bromley, *Embassy Dispatch No. 87*, July 3 1952, pp. 2. See also I FO 730/132/1, *Law No. 74 of 1952 Amending the Electoral Law No. 11 of 1946*.

³³⁹ Iraq Governing Gazette, No. 33, *Press Ordinance No. 24 of 1945*, August 14 1955, pp. 628.

- c) It is not permissible to found an association the aims of which conform with those of an already existing association.³⁴⁰

Additionally, Article 15 gave the executive branch unprecedented powers to intervene in civic organizations by granting the Ministry of the Interior the power to administer the internal affairs of civic associations and organizations; thus, severely limiting and delegitimizing civil society.³⁴¹ The increasing threat of communism to both British and Iraqi officials became another justification for the restrictions placed on associations and civic engagement. Resistance to the 1954 Ordinance came primarily from political parties that viewed the law as a mechanism for suppressing the opposition within parliament—a position echoed by the National Democratic Party and the Independence Party in 1954.³⁴² The ability of the government to severely limit and abolish associations reflected the growing despotic power of the state, which set the path for how the Ba‘th Party infiltrated and essentially co-opted all civic associations under its command.

These institutional constraints were also cultivated and shaped by competing ideational factors. Specifically, the crystallization of Arab nationalism and the rise of Arab nationalists concerned with bolstering Iraq’s institutions and its geopolitical position within the Arab world affected the exclusionary pattern of the state.³⁴³ Much of Iraq’s institutional transformation in the form of elite cabinet shuffles and parliamentary discord under the monarchical era reflected these antagonistic visions. Here, we observe that the

³⁴⁰ Iraq Governing Gazette, No. 31, *Associations Ordinance No. 19 of 1954*, July 31 1955, pp. 580.

³⁴¹ Iraq Governing Gazette, No. 31, *Associations Ordinance No. 19 of 1954*, July 31 1955, pp. 583.

³⁴² CO 730/132/1, VQ1015/79, *British Embassy Confidential Despatch*, November 3 1954.

³⁴³ Phebe Marr, *The Modern History of Iraq* (Boulder: Westview Press, 2012), 37-38.

behaviour and ideological divides of ruling elites shaped governing outcomes as institutions were manipulated to serve competing interests.

Elites and Ideology

The interplay between elite behaviour and ideological divergence as mechanisms of social engineering shaped institutional choices and ethnic mobilization during this critical period. Two dominant yet contrasting ideologies emerged throughout the mandatory and monarchical eras that attempted to forge a unifying national identity, both with varying consequences. On the one hand, Iraqi nationalist elites advocated a unifying Iraqi identity that was sympathetic to the various ethno-religious groups, and supported largely by groups “that lay outside the traditional Sunni center of political power.”³⁴⁴ On the other end of the spectrum were army officers propagating an Arab identity and Pan-Arabism and who saw Iraq as an integral component of the larger Arab world.³⁴⁵ Competition over the institutionalization of the varying ideologies produced a cult of personalities who came to dominate Iraq’s institutional governing structures whereby the policies of government came to depend on the personalities of the elites and their ambitions, networks of clients, and associates, and modes of inclusion and exclusion from their powerbase.³⁴⁶ While Iraqi nationalism resonated with Iraq’s non-Sunni Arab groups, Pan-Arabism advocated an exclusionary narrative of who belonged to the state. The origins of Arab nationalist

³⁴⁴ Dawisha, 136.

³⁴⁵ Ibid.

³⁴⁶ Tripp, 50.

ideology particularly among the ruling Sunni-Arab political elites³⁴⁷ can be traced to Ottoman schools and military academies. Sunni-Arabs were predominantly represented in Ottoman institutional and governing structures of Iraq as military officers and administrative bureaucrats—a policy which, as demonstrated in the preceding section, would come to define the Iraqi state until its collapse in 2003. This minority elite sought to mobilize the *effendiyya*³⁴⁸ and institutionalize Arabism within Iraq's evolving education system, which they perceived as “an instrument for the propagation and internalization of Pan-Arab nationalist ideology.”

Marr elucidates the influence of German military training (emphasizing centralization and the state) and French revolutionary ideas and the emergence of Arab nationalism among this elite minority to the emergence of nationalist ideology among Ottoman trained officers and governing elites.³⁴⁹ The latter would come to define the scope and type of resistance that emerged among educated Sunni-Arab elites (ex-Ottoman officers) who saw Arabism as an avenue for unifying an emerging regional order based on a common Arab language and a shared Arab heritage.³⁵⁰ The institutionalization of this ideology reverberated in the education system where its key proponent, Sati al-Husri,

³⁴⁷ Political or governing elites refer to “individuals who actually exercise political power in a society at any given time...it includes members of the government and of the high administration, military leaders, and, in some cases, politically influential families of an aristocracy or royal house and leaders of powerful economic enterprises.” See Tom Bottomore, *Élites and Society*, 2nd Ed. (London: Routledge, 1993), 7.

³⁴⁸ Michael Eppel, “The Elite, the *Effendiyya*, and the Growth of Nationalism and Pan-Arabism in Hashemite Iraq, 1921-1958,” *International Journal Of Middle East Studies* 30 (1998): 233. Eppel defines the *effendiyya* as Westernized land-owners characterized by a “modern education and Western dress, the change in the composition of the stratum whose members were educated in the Western fashion, wore Western clothing, and took over more and more positions in the bureaucracy and commissions in the army and the police.” Eppel: 229.

³⁴⁹ Phebe Marr, “The Development of a Nationalist Ideology in Iraq, 1920-1941,” *The Muslim World* 75.2 (April 1985), 86-87.

³⁵⁰ Marr (1985), 87.

sought to inculcate Arabism and Arab nationalism within Iraq's educational structures and institutions. Al-Husri—a Syrian Arab who had followed King Faysal to Iraq following the Arab revolt against the Ottomans, became Iraq's Director of Education from 1921-1927 and later the director of the Teacher's Training College until 1937. For Al-Husri, Arabism was the solution for managing and governing a society fractionalized along ethnic and religious cleavages, noting that,

Every Arabic-speaking people is an Arab people. Every individual belonging to one of these Arabic-speaking peoples is an Arab. And if he does not recognize this, and if he is not proud of his Arabism, then we must look for the reasons that have made him take this stand. It may be an expression of ignorance; in that case we must teach him the truth. It may spring from an indifference or false consciousness; in that case we must enlighten him and lead him to the right path. It may result from extreme egoism; in that case we must limit his egoism. But under no circumstances, should we say: "As long as he does not wish to be an Arab, and as long as he is disdainful of his Arabness, then he is not an Arab." He is an Arab regardless of his own wishes. Whether ignorant, indifferent, undutiful, or disloyal, he is an Arab, but an Arab without consciousness or feeling, and perhaps even without conscience.³⁵¹

Pan-Arab elites disseminated this ideology as a method for coalescing the centrifugal tendencies of the Shi'is and Kurds.³⁵² Among the Shi'is, the non-sectarian nature of Arab nationalism was, to an extent, successful in subduing sectarian sentiments and provided an avenue for expressing unified Arab discontent at British imperial and colonial policy in Iraq.³⁵³ Arab nationalism was thus a tool for alleviating divisions in order to perpetuate the control of the state and its institutions by a ruling Sunni-Arab elite. However, the permeation of this ideology in key governing institutions had dire consequences on how non-Arab populations of Iraq viewed and negotiated their position in the political sphere.

³⁵¹ See Adeed Dawisha, *Arab Nationalism in the Twentieth Century* (Princeton: Princeton University Press, 2003), 72.

³⁵² Eppel: 242.

³⁵³ FO 371/132/1, EQ 1016/35, Henry Mack Correspondence to the British Embassy, December 13, 1950, pp. 2.

While the institutionalization of Arabism as a unifying secular ideology that gave “stability and meaning to social behaviour in a society”³⁵⁴ played a significant role in the expansion and standardization of the country’s educational curriculum, particularly among the rural and Shi’i populations, it, nevertheless, institutionalized an exclusionary ideology that paved the way for the exclusion of Iraq’s non-Arab minorities, particularly the Kurds and Assyrians.³⁵⁵ The ideational factor that framed this exclusionary narrative of what the state was and who it belonged to would later sustain authoritarianism under the Ba’thist era and its reversal post-2003.

Nevertheless, Sunni-Arab elites’ seeking to govern a divided society viewed this ideology as a mechanism for consolidating and unifying state-society relations, which then produced equally opposing forms of resistance against the state. The manipulation of Iraq’s emerging institutional configuration by the Sunni-Arab ruling elite created a fissure in the state’s governing trajectory. This augmented the control of the state in favour of an elite minority group who lacked the support of Iraq’s majority Shi’i-Arabs and minority groups such as the Kurds, Yazidis, Assyrians, and Turkoman. As noted by Guclu, the effects of having Iraq’s prominent national leaders who were born in the late 19th century and received military training in Istanbul and governed under the Mandate and the monarchy was that “methods and views of the military-bureaucratic elite had not changed since their Ottoman days.”³⁵⁶ Likewise, Arabism, as a dominant ideational factor among a small but influential group of Sunni Arabs was diametrically opposed to how Iraq’s

³⁵⁴ Djelic and Quack (2003), 17-18.

³⁵⁵ Marr (1985): 100.

³⁵⁶ Guclu: 138.

ethnic fragments, particularly the Kurds, viewed and negotiated their position within the state.³⁵⁷ This ideology would come to dominate some of the most influential governing institutions in Iraq including the army, parliament, bureaucracy, and civil and political administration until 1958.³⁵⁸ This produced two interlinked outcomes. First, elites institutionalized this exclusionary ideology by occupying key governing structures and institutions. Consequently, institutional constraints cemented exclusionary governance, which, in turn, shaped the type of resistance that emerged from Iraq's diverse ethno-religious groups.

Institutionalizing Coercion: the Army under the Monarchy

Since its inception, the army and air force played a pivotal role in maintaining and legitimizing the coercive capacity of the Iraqi state both under the mandate and the monarchy. The absorption of former military officers into the rank and file of the nascent army and the creation of the Royal Iraqi Air Force in 1930 cemented the coercive power of the security sectors above all other institutions. Former Iraqi (predominantly Sunni) Ottoman officers who had been active in the revolt with King Faysal against the Ottomans were reintegrated into the national army upon its formation in 1921.³⁵⁹ Consequently, ethno-religious divisions were manifested in what would come to be the most decisive governing institution in Iraq, as Kurds, Shi'is and Christians remained underrepresented in key army positions as "the Sunni political elite, cognizant of its minority status in the population, was inclined to fill the ranks of the most sensitive state sector, the military-

³⁵⁷ Dawisha, 88.

³⁵⁸ Eric Davis, *Memories of State* (Berkeley: University of California Press, 2005), 32-33.

³⁵⁹ Dawisha, 90.

security establishment, with its own people.”³⁶⁰ Although conscription diversified the officer corps, Sunni-Arabs dominated the upper echelons of the army, and would continue to do so until the collapse of the Ba’thist regime in 2003.

The army created a class of ruling elites and military officers who exerted extensive political clout over the state’s fragile institutional composition obscured by a highly fragmented society. In controlling and monopolizing the state’s physical coercive capacity, the army officers came to play an important “part in deciding the future of the nation.”³⁶¹ Since independence, the army increased in size to 800 officers and 19,500 men by 1936 and to 1426 officers and 26,345 men by 1939,³⁶² growing in total strength from 12,000 to 43,000 between 1932-1941.³⁶³ Hashim attributes the radicalization of the army officers as an ideological response to national humiliation resulting from British domination and the latter’s cooptation of ruling elites and senior officers resulting in the “inability of the cabinets to maintain domestic stability.”³⁶⁴ Further, “Iraq’s complex political and social situation and weak state institutions provided fertile soil for conspiratorial politics on the party of the military.”³⁶⁵ The consolidation of the three Ottoman provinces and the centralization of their administration around Baghdad reinforced the necessity of the army as the institutional apparatus by which the nascent state can be governed and unified.³⁶⁶ Heller cogently attributes three purposes for the Iraqi

³⁶⁰ Dawisha, 90.

³⁶¹ Bottomore, 81.

³⁶² Batatu, 27.

³⁶³ Tripp, 78.

³⁶⁴ Ahmed S. Hashim, “Military Power and State Formation in Modern Iraq,” *Middle East Policy* Vol. X, No. 4 (Winter, 2003): 31.

³⁶⁵ Hashim, 31.

³⁶⁶ Tarbush, 79-83.

army: to replace Britain as an enforcement agency and unify the new state; to satisfy nationalists' demands for bolstering Iraq's independence and sovereignty (through the army); and lastly, to provide an employment base for discontent and unemployed ex-Turkish officers (within the ranks of the new army).³⁶⁷ Early ethnic tensions rested with the reluctance of non-Sunni Arabs, particularly the Kurds and Shi'is to join the army fuelled by their stance against conscription which bolstered the Sunni-Arab character of the army's officer corps.³⁶⁸ Accordingly, the reintegration of ex-Turkish and ex-Sharifian officers into the national army resulted in the over-representation of Sunni-Arabs over Shi'is, Kurds, and Christians within its upper echelons.³⁶⁹

The durability and authoritarian nature of the most coercive apparatus of the state would come to define its response to Iraq's fragmented society. The first act of the independent army was the massacre of unarmed Assyrian Christian civilians in the northern town of Semele. The Assyrians had replaced the Arab and Kurdish Gendarmerie corps of 1920 and proved a formidable fighting force for maintaining order in the emergent state. Rising anti-British sentiments as a result of the Anglo-Iraq Treaty of 1930 coupled with the country's growing nationalist fervour and unresolved territorial settlement of some of the Assyrians in the northern provinces made this small minority a scapegoat for the crystallization of the army and the growing power of the officer corps.³⁷⁰ In August of 1933, while King Faysal was in Geneva on medical leave, the Iraqi Army led by General Bakr Sidqi (an Arabized Kurd), and under the auspices of Hikmat

³⁶⁷ Heller (November 1977): 82.

³⁶⁸ Heller, 84.

³⁶⁹ Tarbush, 78-9.

³⁷⁰ Simon, 112-13; Tripp, 80;

Sulaymann (Minister of Interior), Jalal Baban (Minister of Defence, also of Kurdish origin), Subih Majib (Director-General of Police),³⁷¹ and Prime Minister Rashid Ali al-Gaylani (Arab nationalist and sympathetic to Hitler and fascism) led a campaign against unarmed Assyrians, which resulted in the massacre of Assyrian villagers and the destruction of their villages and towns followed by the looting of their possessions by Kurdish tribesmen.³⁷² As a result of the army's propaganda campaign, the massacre was applauded throughout Iraq and Sidqi was celebrated as a national hero. A visit to the site of the massacre by the Minister of Interior, Hikmat Sulaymann resulted in a decision to "conceal from the world the truth" of what had ensued during the first two weeks of August 1933.³⁷³ As discussed in the proceeding paragraphs, Sidqi, an Iraqi nationalist, subsequently initiated the 1936 coup against the monarchy and was later killed in a counter coup by a group of Sunni Arabs driven by pan-Arab nationalism as a solution to governing Iraq as a divided society.³⁷⁴

The event and the actions of the army were legitimized to the Iraqi public by dubious claims that it had preemptively suppressed an Assyrian rebellion in the northern region.³⁷⁵ In reality, the event was used as a propaganda tool to bolster the position of the army, as concisely noted by Eric Davis, "What the Assyrians (and much of the world) viewed as a bloodbath, urban Iraqis, especially Sunni Arabs, saw as a triumph for Iraqi political unity. For the Kurds, the repression of the Assyrians eliminated a traditional

³⁷¹ Longrigg, 234.

³⁷² Tripp, 80.

³⁷³ Longrigg, 235.

³⁷⁴ Saouli, 112.

³⁷⁵ Longrigg, 235.

enemy.”³⁷⁶ A few points are worth noting regarding the significance of this event in the causal chain of Iraq’s political development and its effect on ethnic groups. First, it illuminated and epitomized critical issues facing Iraq at the time of independence regarding “the nation-state’s territorial integrity, British colonial rule, the army’s efficacy, and the allegiances of minorities.”³⁷⁷ Second, it cemented the coercive capacity of the army as “force to be reckoned with.”³⁷⁸ As succinctly noted by Marr, the Assyrian massacre “brought the army into national prominence for the first time and showed its future political potential. The affair elevated Bakr Sidqi to the position of a national hero. Offers to serve in the army now poured in from tribesmen and Kurds, enabling the passage of a conscription bill. This legislation strengthened the military and the nationalists.”³⁷⁹ Thus, the crystallization of the army as a formidable institutional force at this critical period of state formation defined how successive leaders would deal with minorities and political dissidence. The strength of the army not only set the stage for successive military coups under the monarchy, but also set the trajectory of the rise of the military state under Ba‘thist rule.

The centrality of the army and its effect on Iraq’s governing capacity made it a key mechanism for sustaining exclusionary and authoritarian governance. This is best observed by a succession of three military coups beginning in 1936 until the fall of monarchy in 1958. In 1936, General Baki Sidqi mounted an assault against the

³⁷⁶ Davis, 61.

³⁷⁷ Davis, 61.

³⁷⁸ Ibid, 62.

³⁷⁹ Marr (2012), 40.

government of the young King Ghazi led mostly by Iraqi Kurds and Shi'is for the purpose of eliminating Yasin al-Hashimi's government whose authoritarian and Arab nationalist sentiments resulted in the institutionalization of compulsory military education, suppressed the tribes and potential provincial revolt, abolished newspapers critical of his government, and prevented public protests in Baghdad.³⁸⁰ As succinctly noted by Marr, for army officers influenced by the rising authoritarian governments in Europe (particularly Germany and Italy), a "monolithic form of government seemed to offer a more effective means of unifying fragmented countries and modernizing backward societies than did constitutional democracy and the free enterprise system."³⁸¹ Sidqi succeeded in mounting the coup and overthrowing al-Hashimi, who was expediently and with the support of the King replaced by Sulaymann.³⁸² Sidqi would later be eliminated in 1937 by army officers who were dissatisfied with his antagonism toward Pan-Arabism and who sought to weaken the Iraqi-nationalist Sulaymman government. Following Sidqi's assassination, seven senior Pan-Arabist army officers (all Sunni Arab by origin) not only caused the collapse of Sulaymann's government, but also cemented the ascendancy of the army as a key player in Iraqi politics. Sharing a pan-Arab view of Iraq's identity, and in seeking to maintain closer ties with regional Arab allies, the group of seven officers intervened in the electoral process by approving the election of cabinet members and intervening in the affairs of parliament if policy issues contravened their ideological ambitions for governing Iraq.³⁸³

³⁸⁰ Tripp, 88.

³⁸¹ Marr, 45.

³⁸² Tripp, 88-89.

³⁸³ Ibid, 94.

The permeation of ideational factors such as pan-Arabism, rising anti-British sentiments, the ensuing Palestinian problem, and the intrusion of the army in politics and the administration of the state set the stage for the 1941 coup.³⁸⁴ The coup was led by Rashid ‘Ali al-Kailani whose pro-axis and fascist tendencies and support for Hitler pinned him against the pro-British government of Nuri al-Sa‘id. British intervention in Iraq through the King and Nuri in an attempt to subvert all pro-axis elements fuelled anti-British and, by extension, anti-monarchy sentiments held by Arab nationalists like Kailani and some of the aforementioned seven officers who mounted the assault on Sidqi. As noted by Tripp, this coup was significant as it attempted to overthrow the entire institution of the monarchy rather than replace one prime minister with another, as had been the case with the 1936 coup.³⁸⁵ The brief, albeit, momentous al-Kailani government was forcefully removed by direct British military intervention, which would later sow the seeds of discontent among young military officers who perceived this intervention as the continuation of imperial and colonial domination of Iraq and its sovereignty.

The fragility of Iraq’s institutional configuration under the Mandate was reflected in the inability of ruling elites to govern Iraq under the monarchy, which culminated in its collapse following the 1958 coup. As a result of both the 1936 and 1941 coups, the monarchy, through the re-election of Nuri al-Sa‘id and his Constitutional Union Party in 1954 instituted policies that would not only fuel the events of 1958 but that also set the foundation for authoritarian governance. The coups also produced diametrically opposite responses from the state as monarchical elites sought to centralize and maintain their grip

³⁸⁴ Marr, 49.

³⁸⁵ Tripp, 103.

on power in response to threats to their stability. Between 1954-1958, Nuri's government banned and disbanded all political parties, societies, and clubs in an effort to consolidate power and minimize dissonance, it revoked the license of an estimated 130 newspapers and magazines in Baghdad, twenty in Mosul, seven in Basra, and thirteen others throughout Iraq.³⁸⁶ As noted by Dawisha,

From now until the end of the monarchical era, the state under the stern supervision of Nuri, the Regent, and the other members of the ruling elite would intrude in all societal matters with next to no regard for civil liberties and political representation. Any democratic pretense had by now completely disappeared. The stringent control of the electoral process remained utterly unchecked throughout the last four years of the monarchy's life.³⁸⁷

Thus, a combination of factors rooted in the growing dissatisfaction with the monarchy and its authoritarian governance during its last decade, the rise of pan-Arab sentiments as a regional trend particularly following the Suez Crisis, and the subsequent rise of the Iraqi Free Officers—a heterogeneous group comprising mostly, though not exclusively, of Sunni Arab officers who had graduated from the Iraqi Military Academy in the 1930s who were bound by their disdain for the status quo and imperialism, all culminated in the toppling of the monarchy and the emergence of the Iraqi republic on July 14 1958.³⁸⁸

Effectively, these coups congealed the position of the army and military as the centre of power in society by transforming the pattern of governance under the monarchical and Ba'athist eras. The permeation of the military in government cemented the despotic power of the state and its ability to consolidate this ethnically fragmented society. Increasing nationalist and anti-British sentiments from the officer corps combined with the amplification of the army's force and size propelled officers to seek Pan-Arab

³⁸⁶ Dawisha, 112-13.

³⁸⁷ Ibid.

³⁸⁸ Tripp, 144-46.

regional unification. Above all, the institutional transformation of the state from a constitutional monarchy following 1958 influenced how the newly established republic consolidated power and dealt with its increasingly divided society. One factor remained unchanged—the pervasiveness of the military and the army as a proprietor of the state would continue to define its governing trajectory from 1958-2003 alongside the dominance of the Sunni-Arab minority in governing the state.

Here we observe that exclusionary early institutional design combined with the influence of ideational factors such as Arab nationalism most notably among Sunni-Arab elites, as well as the growing power of the army in governing the state manipulated the dynamics of control as elites imposed and normalized these strategies within the state's institutions. The presence and effects of these mechanisms framed much of the ethnic resistance that emerged against the state in the monarchical era, most notably among Kurds and other minorities.³⁸⁹

Ethnic Responses to the Emergent State

The institutional constraints imposed during the state formation and statebuilding period produced various responses from groups excluded from the centres of power. Early on, questions emerged regarding the purpose and scope of Iraq's nascent institutional configuration. In many ways, the Mandatory period, from 1920-1932, defined and solidified the structural and institutional configuration of the state that emerged in 1932 by providing the institutional opportunity structure by which future ruling elites came to govern the state. Issues relating to the institutional incorporation of Iraq's various ethno-

³⁸⁹ Tripp, 111.

religious groups defined much of the country's political unrest in its prelude to independence. The lack of institutional incorporation stemming from early institutional constraints generated two outcomes. First, it produced equally opposing responses to Sunni-Arab domination of the state. Second, this period fostered the emergence of authoritarian governance as ruling elites sought to maintain this governing pattern at the expense of more inclusive and accommodative approaches rooted in the integration of non-Sunni Arab ethnic elites.

Shortly prior to independence, King Faysal lamented about the permeation of tribal, ethnic and sectarian divisions among the Sunni, Shi'i, Kurds, and non-Muslim communities in a letter dated August 15 1932.³⁹⁰ While the state attempted to consolidate its newly established sovereignty, group grievances posed a cumbersome dilemma for governing and consolidating the state. In a petition addressed to the League of Nations in 1932 by an organization called the Executive Committee of the Shia of Iraq listed the following demands:

1. That the Shias should be given a fair share in the direction of the affairs of State and in the distribution of Government appointments;
2. That a reasonable share of Government allocations for such purposes as improved communications and public health facilities should be allotted to the Shia provinces;
3. That the proportion of Shia to Sunni among students sent abroad to complete their education at Government expense should correspond to the proportion of Shia to Sunni in the population as a whole;
4. That the Shia farmer should be fairly treated in the distribution of lands.³⁹¹

³⁹⁰ 'Abd al-Razzāq Ḥasanī, *Tārīkh al-ʿIrāq al-Siyāsī al-Ḥadīth (A Political History of Modern Iraq) Vol. 1* (Beirut), 9.

³⁹¹ FO 371/132/1, EQ 1016/35, Henry Mack Correspondence to the British Embassy, December 13, 1950, pp. 3.

Similarly, the Assyrians and Yazidis tabled a petition to the League of Nations shortly prior to Iraq's independence requesting assurance and protection as minorities in independent Iraq.³⁹² The concerns of minority groups regarding their security and representation within the emergent state's institutions became a major topic of debate both for Iraqi and British officials one year prior to Iraq's independence. These issues were rightly accentuated by the aforementioned demands from the Assyrians and Yazidis but most notably from the country's largest non-Arab ethnic group, the Kurds. Although various Iraqi cabinets included Kurdish deputies such as Jamil Baban, Hazim Beg, and Sa'id Qazzaz, Kurdish demands for greater political, territorial, and cultural and linguistic rights remained largely unfulfilled prior to independence resulting in Kurdish protests to the League of Nations.³⁹³ Consequently, threats of rebellion by Kurdish leader Shaykh Mahmud and growing Kurdish demands for autonomy and separation from Baghdad posed critical challenges to the consolidation of the territorial, political, and institutional configuration of the new state.³⁹⁴ Moreover, the ethnic fractionalization of Iraq's political arena stemming from the disinclination of ruling elites to cast a wider net by creating a more representative government determined how non-Arab Sunni groups perceived and negotiated their position vis-à-vis the state. Other pervasive issues that dominated the Mandate and Ottoman Iraq echoed throughout the monarchical era.

³⁹² CO 730/162/8, *Memo on Minorities in Iraq*. Similar to the Shi'i petition to the League of Nations, the Assyrian Christians delivered an Assyrian National Pact in 1932 requesting the continuation of their political and cultural status from Britain Iraqi officials. See Lukitz, 26.

³⁹³ Sluglett, 127-29.

³⁹⁴ Sluglett, 132-33.

The issue of majority versus minority politics intensified ethnic responses to early institutional choices. Although Britain's statebuilding project for Iraq was rooted in an attempt to create a functioning parliamentary democracy created in its own image to serve as a regional model, the institutional exclusion of key components of society including minority groups as well as the country's majority Shi'is dominated the monarchical era. The consequence of this was that considering "their minority position, in economic and sectarian terms, as well as their authoritarian inclinations, this was not a promising basis for the national integration that was in theory intended to accompany the construction of the modern state."³⁹⁵ Similarly, although the constitution engendered liberal-democratic ideals, it also posed critical constraints to democratic governance due to the broad and almost unhindered powers allotted to the King and the executive branch. Other institutional impediments resulting from a deep rural-urban divide and rigid electoral rules that stipulated that only income-earning and tax-paying males were eligible to vote further excluded large segments of the population from political participation.³⁹⁶ The outcome was the emergence of political parties that either supported or opposed the country's constitution. Perhaps the most controversial legal instrument was Iraq's treaty with Great Britain. Early on, grievances emerged among the Shi'i who perceived the treaty and the constitutional arrangements as an instrument of cementing Sunni domination over the new state.³⁹⁷ While the treaty effectively defined the relationship between the two states, it also limited the state's governing capacity as it made the latter tied to Britain's tutelage both

³⁹⁵Tripp, 31.

³⁹⁶ Sluglett (2007), 215.

³⁹⁷ Tripp, 52.

under the Mandate and after its independence. At its core, the treaty constituted an asymmetrical governing arrangement between the colonized and the colonial power.

The Shi'i boycott of the treaty and the elections to the Constituent Assembly through a religious *fatwa* (legal judgement) in 1922 and the subsequent exile of the Shi'i 'ulama' (religious scholars) in 1923 shaped ethnic relations in the 1920s.³⁹⁸ While acquiescing to the new political order, the formation of the Shi'i political party *al-Nahda* (Awakening) nonetheless reflected that community's discontent with the restrictive terms of the treaty and its preference for a Sunni government at the expense of the majority Shi'i population.³⁹⁹ Moreover, intelligence reports also pointed to the formation of an anti-Sunni fringe party, *Hisb 'Al Tai'fi* linked to the *al-Nahda* party comprising mostly of Shi'i sheikhs from lower-Tigris.⁴⁰⁰ These developments point to the inability of Iraq's state institutions to accommodate and incorporate the country's largest segment into its governing structures, which resulted in the intensification of sectarian sentiments among the country's Shi'i population.⁴⁰¹ Three classes of oppositional Shi'i groups surfaced: the *ulama*, the sheikhs (tribal leaders), and the townspeople⁴⁰² with the following set of grievances stemming from their dissatisfaction of institutional constraints:

- a) Non-representation in government and administration.
- b) Subjection of Shias to Sunni Shar'a courts in places where Shar'a courts for Shiah do not exist.
- c) Teaching of Sunni doctrine to Shiah children in schools.
- d) The failing financial stability of Awqaf in spite of its large income from Shiah sources.
- e) Bribery and corruption amongst Sunni officials.
- f) Favouritism by high government officials in filling posts.

³⁹⁸ Tripp, 55-56.

³⁹⁹ Ibid, 52-53. See also Saouli (2012), 111.

⁴⁰⁰ AIR 23/432, *Intelligence Report*, September 24 1927, pp. 3.

⁴⁰¹ See 'Abd al-Razzāq Ḥasanī, "al-haraka al-ta'ifiya o-kh'tra" (The Sectarian Movement and its Dangers), *Tārīkh al-Wizarat al-Iraqiyya* (A History of Iraqi Cabinets), Vol. 2 (Beirut, 1970), 33-34.

⁴⁰² AIR 23/432 *Intelligence Report*.

- g) Partiality shown by the government in the closing of the Nahadha newspaper while allowing the Istiklal to continue. Also the killing of the circulation of the Nahadha by using the influence of officials of the administration.
- h) Land-grabbing by persons in office.⁴⁰³

These objections produced four demands from prominent Shi'i religious and political figures⁴⁰⁴—namely, the distribution of half of ministerial and cabinet portfolios to Shi'is the rest to Arab Sunnis, Christians and Jews; equality in appointing officials; new elections free from government interference; and no conscription.⁴⁰⁵

Fuelling sectarian discord was the association of Shi'i agitation and resistance with anti-Sunni propaganda. The lack of political incorporation and representation of Shi'is prompted their marginalization from key negotiations in the first couple of years of the Mandate, which defined their position within the newly established state. Prominent Iraqi historians such as 'Abd al-Razzaq al-Hasani (a Shi'i Arab and Iraqi nationalist) noted the perils of government discrimination against the country's Shi'i majority on forging national unity.⁴⁰⁶ As succinctly noted by Sluglett, "Throughout the mandate, in attempting to justify their frequently discriminatory policy towards the Shi'is, the Iraqi government argued that until Iraq became 'independent' the Shi'is had had no voice at all in politics, no separate courts and no publicly financed educational institutions."⁴⁰⁷ Similarly, Dawisha attributes three factors that limited their political incorporation—their lack of training and education; Shi'i disinclination from serving under a Sunni-minority government spearheaded by a Christian colonial power (Britain); lastly, the reluctance and

⁴⁰³ AIR 23/432, *The Shiah Situation*, December 19 1927.

⁴⁰⁴ AIR 23/432, *Special Service Office-Mosul*, "Memorandum", September 11 1927.

⁴⁰⁵ T 161/157, *Note on the Political Situation*, September 27 1927, pp. 1.

⁴⁰⁶ Yitzhak Nakash, *The Shi'is of Iraq* (Princeton: Princeton University Press, 1994), 110.

⁴⁰⁷ Sluglett (2007), 57.

distain of Shi'is by Sunni ruling elites—sentiments also espoused by Sunni-Ottoman co-religionists.⁴⁰⁸

The justification for the exclusion of the Shi'i majority and ethnic minorities from key positions and governing institutions maintained and reproduced preceding Ottoman exclusionary patterns of governing this highly divided society. British perceptions of Iraq's sectarian divisions is captured in a dispatch by the British Ambassador to Iraq, Sir Henry Mack in quoting one of Britain's most notable diplomat and spy, Gertrude Bell,

The Sunni element in the Iraq, though small, enjoys a social and political importance incommensurate with its size. It consists mainly of great landowners such as the Sa'adun and the houses of the Naqibs of Baghdad and Basra, and of wealthy merchants inhabiting the towns and holding estates along the rivers. With the exception of the Sa'adun, the Sunnis of the Iraq are mostly town dwellers. Since the country has been under the Sunni Government of the Turks, Shiaism has had no political status, Shia religious bequests have not had legal recognition, nor has Shia religious law, which differs from that of the Sunnis, been included in the Ottoman Code. Partly it may be because of the unquestioned nature of the Sunni ascendancy, there has never been jealousy or bitterness between the two branches of Islam in the Iraq, and whatever changes the future may bring it should be the first care of the rulers of the country to preserve that fortunate condition.⁴⁰⁹

While the imposition of Sunni-Arab rule in the emergent state did not resonate well with the country's majority Shi'i and prominent minority groups, it also reflected deeper and more systematic ways in which colonial administrators intensified and manipulated ethnic divisions to serve imperial ends.

Confounding the institutional administration of the state was Britain's policy toward other ethno-religious communities that differed markedly depending on the extent in which they could fit into the socio-economic and political organization of the state. Iraq's four prominent ethno-religious minorities consisted of Kurds, Assyrians, Jews, and

⁴⁰⁸ Dawisha, 31.

⁴⁰⁹ FO 371/132/1, EQ 1016/35, Henry Mack Correspondence to the British Embassy, December 13, 1950.

Yazidis.⁴¹⁰ The Kurdish question continued to loom over the nascent state. Although the Kurds had served alongside the Arabs in Iraq's first military force under the British-instituted Arab and Kurdish Levy and Gendarmerie of 1920⁴¹¹ later abolished in 1925, the Kurds were never fully incorporated into the state as exemplified by their absence from initial cabinet and ministerial positions. Promised autonomy under Article 62 of the Treaty of Sèvres in 1920, later nullified under the Treaty of Lausanne of 1923, the Kurds remained reticent of a centralized Arab government.⁴¹² Subsequent demands for autonomy, political and territorial concessions, and a growing separatist movement meant that "Kurdish areas were never really integrated politically or culturally into the Iraqi state."⁴¹³ Thus, a combination of institutional restraints and their institutional exclusion as the country's largest ethnic minority shaped Kurdish resistance throughout Iraq's political history. Likewise, Assyrian Christians had replaced much of the Arab and Kurdish Levy corps, which caused resentment among the Kurds and Iraqi Arab nationalists who viewed the Assyrians as instruments of Christian and British imperial domination.⁴¹⁴ The 1925 League of Nations Boundary Commission had, akin to its policy toward Kurdish autonomous demands, pressed for territorial autonomy for the Assyrians bordering the northern regions of Iraq and south-eastern Turkey.⁴¹⁵ Petitions by Assyrian, Kurdish, Yazidi, and Turkmen leaders to the League of Nations requesting special international protection from the Arab government were made one year prior to Iraq's

⁴¹⁰ CO 730/162/8, *Memo on Minorities in Iraq*.

⁴¹¹ AIR 5/295, *The Arab and Kurdish Levy and Gendarmerie Proclamation, 1920*.

⁴¹² CO 730/162/8, *Memo on Minorities in Iraq*.

⁴¹³ Dawisha (2009), 26-27.

⁴¹⁴ Simon (2004), 112-13.

⁴¹⁵ Ibid, 152-53.

independence.⁴¹⁶ Consequently, neither the Kurds, Assyrians, Turkmen nor Yazidis were fully integrated and institutionally incorporated in the emergent state.

Conscription became another divisive issue for various ethno-religious groups. Although the creation of a national army was determined early on into the Mandate, recruitment remained voluntary.⁴¹⁷ While Sunni-Arab ex-Ottoman officers viewed conscription as an effective policy for securing Iraq's statehood and independence and as a mechanism for consolidating a divided society, its underlying value was the centralization of power by the ruling elites and the "determination of the centre to dominate the provinces needed to be backed up at least by the threat of a superior force."⁴¹⁸ However, the creation of a centralized army, headed largely by urbanized Sunni-Arab ex-Ottoman officers incited dissatisfaction from the country's Shi'i tribes, Kurds, and Yazidis as it represented the domination of Sunni-Arabs as well as the town over countryside.⁴¹⁹ For the Shi'i, talks of military conscription fuelled their grievances as many feared their disproportionate representation in the military.⁴²⁰ Further, Kurdish and Shi'i tribal leaders alike viewed conscription as an impetus of centralization and relegating the power of tribal autonomy, which permeated much of the socio-economic and political structure of society in the northern region where Kurds dominated and the Shi'i dominated south.⁴²¹ As will be discussed in the proceeding sections, although

⁴¹⁶ Ibid, 154-55.

⁴¹⁷ Mohammad A. Tarbush, *The Role of the Military in Politics: a Case Study of Iraq to 1941* (London: Kegan Paul International, 1982), 77.

⁴¹⁸ Tripp, 61.

⁴¹⁹ Sluglett (2007), 95-96.

⁴²⁰ *Intelligence Report-Shiah Propaganda*, September 30 1927, pp. 4. See also See al-Ḥasanī, Vol. 2, 22-24.

⁴²¹ Tripp, 62.

Parliament failed to pass a conscription bill in 1928, the army would play a pivotal role in statebuilding post-independence, particularly with the massacre of Assyrian Christians in 1933 and the subsequent passing of the conscription bill in 1934.

Institutional Constraints and Oppositional Political Parties

Although the government attempted to limit political dissidence and opposition groups, various political parties emerged that contested the power of the monarchy and British imperialism. The parties were as much a reflection of the socio-economic and political dynamics of the time as they were of the personalities and elites who had formed them. The earliest of such parties were the *Watani* (Patriotic) and the *al-Nahda* (Awakening) parties created in 1922 in response to the rigid and delimiting terms of the first Anglo-Iraqi treaty.⁴²² However, no other party posed a greater threat both under the monarchy and the republic than the Iraqi Communist Party (ICP).

Gaining ground first in Basra, the ICP was formed in 1935 as the Association Against Imperialism and gained popularity in 1927 through its main proponent, Petros Vasili-an Assyrian communist intellectual.⁴²³ The ideological foundation of the Party drew support from Iraq's diverse ethnic and religious groups discontent with the growing socio-economic disparity between ruling elites and society.⁴²⁴ The subsequent rise in oil revenues, the ascendancy of the ruling landed elites combined with growing education and literacy rates fuelled citizens' dissatisfaction with the country's poverty and wealth

⁴²² Ibid, 52-53.

⁴²³ Batatu, 404-05.

⁴²⁴ Batatu, 424. See also Table 14-2.

disparity.⁴²⁵ The 1954 Associations Ordinance was also largely an attempt to limit the growing power of the communist party throughout Iraq. This growing threat prompted the Ministry of Interior to promulgate an ordinance denationalizing communists and “other subversive elements in the country.”⁴²⁶

The subsequent formation of the *Hizb al-Ikha al-Watani* (The Patriotic Brotherhood Party) in 1931 was in response to Iraq’s growing economic crisis prior to independence in 1932.⁴²⁷ Similarly, both *al-Hizb al-Watani al-Dimuqrati* (the National Democratic Party-NDP) and the *Hizb al-Istiqlal* (Independence Party) emerged as contending forces against the government in the 1930s. Whereas the former was primarily concerned with Iraq’s domestic environment, the latter encompassed elites sympathetic to pan-Arabism and critical of parliament and British influence in Iraq and the Middle East.⁴²⁸ As an ethnic party, the Kurdish Democratic Party (KDP) was formed in 1946 by Kurdish intellectuals influenced by Marxism and closely allied with Shaykh Mahmud who sought to create a semi-autonomous Kurdish democratic state in Iraq consisting of the four northern provinces of Mosul, Arbil, Kirkuk, and Sulaimaniyya, with special autonomous administrative and governing powers.⁴²⁹

Similarly, the creation of the *Hizb al-Ittihad al-Dusturi* (the Constitutional Union Party-CUP) by Nuri al-Sa‘id in 1949 epitomized the relationship between ruling elites and political parties. Nuri—a contentious figure in Iraqi politics under the monarchy, founded

⁴²⁵ CO 730/132/1, *Iraq: Confidential Brief for Ministers of State. Board of Trade.*

⁴²⁶ CO 730/132/1, *Translation of the Report from Newspaper ‘Sada al-Akhbar of Minister of Interior’s Speech to Chamber of Deputies on December 20, 1954, December 21 1954.*

⁴²⁷ Tripp, 71.

⁴²⁸ Ibid, 114.

⁴²⁹ Batatu, 544.

the party in order to exert greater influence in parliament and extend his system of patronage to his political allies.⁴³⁰ Reaction to Nuri's growing authoritarian power resulted in the formation of political parties to counteract this trend. This is exemplified by the creation of the Ba'ath (Renaissance) Party in 1949⁴³¹ and United National Front in February 1957 consisting of the Istiqlal Party, the NDP, the ICP, and the emerging Ba'ath Party.⁴³² The *Hizb al-Umma al-Ishtiraki* (The Socialist People's Party) and the United Popular Front were also formed in response to Nuri's perennial influence in parliament and his attempts to alter the electoral law so as to limit the power of the opposition.⁴³³ In 1954, four political parties won substantial seats in parliament, which, in theory, posed limitations on the power of the king and the executive: the CUP 54 seats, Popular Socialist Party 21 seats, National Front 10 seats, United Popular Front 3 seats, with 44 seats allotted to Independent Members.⁴³⁴

We observe that political parties under the Mandate and the monarchy emerged as a response to the institutional constraints imposed by ruling elites and sought to disaggregate power from parliamentary ruling elites between 1930-1958. These constraints not only impeded civil society and bolstered the despotic power of the state, but also came to reflect a growing governing trend which viewed institutions as instruments of exclusion and control over the state rather than as tools for incorporating and co-opting Iraq's fragments into a unifying political sphere. Further, the construction

⁴³⁰ Tripp, 127.

⁴³¹ Batatu, 816.

⁴³² Tripp, 143.

⁴³³ Tripp, 129-30.

⁴³⁴ CO 730/132/1, VQ 1015/37, *British Embassy Confidential Despatch No. 129*, June 16 1954.

of exclusionary institutions provided the *modus operandi* by which ruling elites maintained their power and ownership over the state.

Conclusion

In this chapter, I have demonstrated that expedient statebuilding under Mandatory Iraq failed to devise institutional mechanisms that could reconcile the divergent interests of Iraq's fragments through institutionalized channels resulting in the crystallization and reproduction of identity politics as marginalized groups saw themselves outside the state. This, in turn, set the path for successive ruling elites as they reconfigured the country's institutions to accommodate a narrow set of ideologies, goals, and interests. Concomitant with other political struggles that emerged since state formation, this path dependent development reproduced and locked-in exclusion and authoritarianism as mechanisms employed by elites to sustain their ownership of the state. Moreover, while actors and dynamics of reproduction have changed overtime, these zero-sum strategies adopted by successive actors for governing this highly divided society have remained constantly rooted in the deployment of these mechanisms overtime and have thus become the binding norms that characterize Iraq's institutional design.

This is observable in the fragility of democratic institutions at the time of state formation and subsequent statebuilding between 1920-1958. An analysis of the parliament, cabinet, the behaviour of ruling elites and their competing ideologies, and the growing role of the army in governance reflected the expedient way in which institutions were designed and configured in order to maintain the governing power of a select few minority

elites over a heterogeneous state and society. Toward the end of the monarchical era, British diplomats had grown circumspect of Iraq's precarious political environment and their orientalisng perceptions of the country noting that "it may also well be true, as many assert, that oriental countries are happier under strong, authoritarian government than under a form of parliamentary democracy which does not work."⁴³⁵

During this initial critical juncture, the state underwent 'institutional exhaustion' which culminated in the gradual breakdown of the institutional configuration created under the state formation and statebuilding schema of Mandatory Iraq.⁴³⁶ This was largely a consequence of the irreconcilability of governing elites that resulted in their incapacity to consolidate the state with its fragmented society complicated by the domination of Sunni-Arabs in state institutions.⁴³⁷ Moreover, the inability of the state and its Sunni-Arab elites to forge a national civic identity that could bind its fragments is symptomatic of its artificial creation, which lacked

common myths of ancestral territory to rely on or common historical memories to appeal to. There was no single past to be reappropriate *[sic]* by the different groups forming Iraq's population, nor a widespread yearning for collective political redemption. Each group, even when subscribing to the idea of an Iraqi state, retained distinct collective memories and a distinct visions of the nation's collective future. This is why the process of national formation at its very beginning could hardly pass the litmus test of a wide-scale popular response to the appeals of a national leadership.⁴³⁸

Juxtaposing ethnic conflict as part and parcel of this early initial institutional development aids in contextualizing and reconceptualising the mobilizing conditions that affected and dictated early modes of ethno-religious discord in Iraq. Here we find that the initial

⁴³⁵ CO 730/132/1, VQ1015/74, *British Embassy Confidential Despatch*, September 24 1954.

⁴³⁶ Streeck and Thelen, 31.

⁴³⁷ Dawisha, 168.

⁴³⁸ Lukitz, 79.

institutional design created under the Mandate, which favoured the Sunni-Arab minority elite⁴³⁹, set the path by which subsequent actors and elites reconfigured the state's institutions to serve limited elite interests manifested in both the ideational and structural configuration of the state. As will be demonstrated in the proceeding chapter, the republican era characterized most infamously by Ba'thist rule, replicated these mechanisms in order to sustain and govern a fragmented state and society.

⁴³⁹ It is imperative to note, although Sunni-Arabs dominated the state until its collapse in 2003, this group was an ideologically and politically diverse most notably divided along those favouring the monarchy versus those seeking Pan-Arab unity.

Chapter Four

Cementing Authoritarianism: Institutions, Exclusion, and Ethnic Discord under B'athist Iraq

“Who controls the past controls the future; who controls the present controls the past.”
George Orwell, *Nineteen Eighty-Four* in *George Orwell: the Complete Novels* (New York: Penguin Classics, 2001).

“In viewing and writing history we have to adopt a method which is expressive of our theory and the particularity of our ideology. This requirement does not arise from a personal desire to distinguish ourselves from prevalent political trends. It is, rather, a systematic need to define an approach to history in a revolutionary and scientific way. This approach will ensure an interpretation, understanding and presentation of events according to the required revolutionary conception and the particularity of our Party's theory.”

Saddam Hussein, “On Writing History,” *On History, Heritage and Religion* (Baghdad: Translation & Foreign Languages Publishing House, 1981), 9.

“And as the people have been used to, and as their trust set in the right place entrusting the B'ath party, and their son and leader Saddam Hussein, the conscience of the people was driven in to recognize what's best for the people, and what represents their aspirations.”
Preamble, 1990 Interim Iraqi Constitution

“Society shall confirm higher social harmony values by preventing the promotion of sectarian, racist, regional, or anti-Arabian approaches.”
Article 22 (2), 1990 Interim Constitution

Introduction

On the eve of July 14 1958, the Free Officers—a group of high-ranking military officers—staged a military coup resulting in the overthrow of Iraq's monarchy. The purpose was to expel and cleanse the country of what they perceived to be the last and the most influential bastion of British imperialism in Iraq.⁴⁴⁰ While this endogenous critical juncture between

⁴⁴⁰ Tripp (2000), 149.

1958-1968 saw an attempt by ruling elites to deviate from the increasingly authoritarian state under the monarchy by opening the political arena for new forms of contestation, emerging ruling elites replicated authoritarian patterns of governance. These precluded the establishment of a democratic alternative path that could “lead to the establishment of institutions that generate self-reinforcing path-dependent processes.”⁴⁴¹ Consequently, the Ba’thist capturing of the state from 1968-2003 halted any democratic opening and eliminated regime contestation from opposition groups, most notably, the Communists. The outcome was new forms of contestation from Iraq’s ethnic and religious communities as they attempted to negotiate their position in the emergent republic. Moreover, increasing institutional constraints under single-party autocratic rule culminating in Saddam Hussein’s usurpation of power in 1979 further cemented group grievances against the state.

This chapter explains how and why the country’s institutional landscape was transformed during this second critical juncture and why the transformation of the political field produced new forms of ethnic resistance at the societal level. The emphasis on institutions is relevant as an institutionalist framework provides us with the “historical context within which the dynamics of ethnic boundary making unfolds.”⁴⁴² I contend that the imposition of a monolithic pan-Arabist ideology as permeated by the B’ath Party and its institutionalization within the state’s governing structures became mechanisms for controlling and governing a divided society. Maintaining this ideology required the

⁴⁴¹ Capoccia and Kelemen, (2007): 341.

⁴⁴² Andreas Wimmer, “The Making and Unmaking of Ethnic Boundaries: A Multilevel Process Theory,” *American Journal of Sociology* 113.4 (January 2008): 990.

creation of institutional apparatuses that inculcated mechanisms of control and exclusion to proscribe ethno-sectarian attachments, unify a divided society, and centralize power to foster social cohesion and complacency to limit regime contestation. Thus, institutions during this period became increasingly embedded in the regime itself in order to fulfil the aforementioned goals. Moreover, the types of institutions that emerged, and the cooptation of preceding ones, enabled the regime to exert its power and ideology. Sustaining the regime's grip on power required the deep centralization of the state's governing institutions and the diffusion of the coercive machinery in order to penetrate all facets.

By framing the processes that affected the state's institutional transformation under the republic, I seek to demonstrate the proclivity of authoritarian regimes to replicate preceding governing patterns. The collapse of the monarchy altered the power dynamics among Iraq's ruling elites. While we observe a replication of the strategies of exclusion and authoritarianism that marked the monarchical era, the permeation of the regime in society made the Ba'th party more successful in suppressing dissidence which fuelled resistance from ethnic groups against the state. The structural-institutional constraints imposed by the Party and its pan-Arabist ideology affected the strategies of ethnic groups in two ways. First, the rigidity and lack of independent spheres of existence between regime and society incentivized ethnic attachments as mobilizing markers of dissent. Second, ethnic elites adopted new strategies of resistance to contest the state. While Ba'thist ideology was malleable and was reinterpreted according to regime preferences, its ideological dominance as the state's narrative and its institutionalization affected how groups negotiated their position in the state. The outcome was a state that

subverted civic engagement by limiting, or, at times, obviating any sphere of existence outside the state and regime.

Chapter Outline

The chapter is structured as follows. The first section examines the institutional and ideological factors and processes that resulted in the toppling of the Iraqi monarchy and the birth of the republic during the second critical juncture of Iraq's political development between 1958-1968. The second section analyzes the institutional and ideological transformation of the state following the Ba'thist takeover in 1968 that culminated in Saddam Hussein's usurpation of power from 1979-2003. Utilizing both material and ideological tools to achieve and sustain regime consolidation, we observe that state-society relations were dictated by the regime's penetration of the social, economic, and political spheres of existence as the state oscillated between totalitarian and authoritarian governance to maintain Sunni-Arab dominance of the state over a deeply divided society. The last section examines the Ba'thist state's tactics for governing Iraq as a fragmented state and the ethnic responses to the regime's exclusionary and authoritarian governance until the latter's toppling in 2003.

From Monarchy to Republic: Elites, Institutions, and the State

Reconfiguring the New Order

As demonstrated in the previous chapter, the tension between governing elites, army officers, and ethno-religious groups contributed to the linear progression of discord between state and society during the last decade of the monarchy. The creation of

institutional barriers purposive of suppressing dissidence under a highly centralized monarchical regime, as exemplified by the Association Law, proscribed and heavily regulated civic engagement. Thus, institutions and their control became the impetus by which the ruling elite maintained their power in the nascent state. While some institutions were transposed to serve new goals, they also sought to abolish the main institutions of the monarchy and create new institutions and governing structures through official purges.⁴⁴³ In addition, the growing power of the Free Officers secured their position as the primary agents of the state. Emerging in the 1950s, the Free Officers were an elite group within the armed forces consisting primarily of Sunni-Arabs from the middle and lower strata of Iraqi society who would later form the future regime under the Ba’thist era.⁴⁴⁴

The tumultuous trajectory of governing Iraq during the last decade of the monarchy made the army the primary contending institution by implementing two outcomes. First, to abolish what the Free Officers saw as an illegitimate monarchy and an extension of British imperial interests in the country and the region. Second, to guarantee and safeguard Iraq’s position in an emerging unified regional order through Pan-Arabism.⁴⁴⁵ This last ideological component played a crucial role in how an elite group

⁴⁴³ Slugglet and Slugglet (2001), 50.

⁴⁴⁴ The Free Officers had eight primary goals: 1) fighting imperialism and eliminating foreign cooperation; 2) abolishing feudalism and freeing the peasantry from exploitation; 3) abolishing the Hashemite monarchy and replacing it with a republic; 4) drafting a constitution and establishing a democracy; 5) recognizing the rights of Iraq’s Kurdish community along with other minorities “within a framework of national unity”; 6) regionalized cooperation with other Arab nations; 7) Arab unity; 8) returning Palestine to Palestinians. Phebe Marr, *Modern History of Iraq* (Boulder: Westview Press, 2012), 84.

⁴⁴⁵ Although the *coup* was precipitated by domestic discontent with the monarchy and ruling elites, regionalized foreign policy factors facilitated its implementation. These included Iraq’s alliance with Turkey and Pakistan in 1955 under the tutelage of Great Britain to counter Soviet expansionism; Iraqi-Egyptian Pan-Arab rivalries; the nationalization of the Suez Canal; the short-lived creation of the Union of

of primarily Sunni-Arab army officers saw the future of Iraq in a more integrated regionalized state system unified by a common Arab identity. Consequently, the imposition of an overarching identity as espoused by Pan-Arabism bolstered resistance from non-Arabs, particularly the Kurds against the state. Divulging the causal mechanisms underpinning this critical juncture requires a systematic analysis of how and why institutions were transformed and how ethnic groups responded to the emergent state.

Multiple factors led to rising discontent with the Iraqi monarchy that culminated in the 1958 coup that resulted in its demise. The inefficacy of institutions devised under British aegis was reflected in the composition of cabinet and parliament. Between 1920-1958, 177 different individuals held fifty-nine cabinets consisting of 645 positions.⁴⁴⁶ As the most authoritative body in the country, parliament became a playing field by which predominantly Sunni-Arab cabinet members and ruling elites exerted their influence. The violent suppression of Iraqi Communist Party leaders and opposition movements in 1948 and 1949 also set the barometer by which successive ruling elites dealt with political dissidence.⁴⁴⁷ Thus, the trajectory of institutional development in the latter part of the monarchy produced push and pull factors that produced new forms of resistance. The monarchy's lack of legitimacy affected its capacity to "penetrate society, regulate social relationships, extract resources, and appropriate or use resources in determined ways."⁴⁴⁸ As succinctly noted by Dawisha, the monarchy under al-Sa'id left little to no regard for

Arab Republics between Egypt and Syria united under Pan-Arabism on February 1 1958 and the Iraqi monarchy's attempt at containing its expansion to Iraq forming the short-lived Iraqi-Jordanian Federation shortly thereafter; and lastly, the Lebanese civil war. See Lukitz (1995), 141.

⁴⁴⁶ Ayad al-Qazzaz, "Power Elite in Iraq-1920-1958: a Study of the Cabinet," *Muslim World* 61.4 (October 1971): 267.

⁴⁴⁷ Sluglett & Sluglett, 41-42.

⁴⁴⁸ Joel S. Migdal, *Strong Societies and Weak States* (Princeton: Princeton University Press, 1988), 4.

“civil liberties and political representation. Any democratic pretence had by now completely disappeared. The stringent control of the electoral process remained utterly unchecked throughout the last four years of the monarchy’s life.⁴⁴⁹ Newspapers and magazines espousing Pan-Arabist or Marxist-communist leanings were either driven underground or written in exile during the last few years of the monarchy.⁴⁵⁰

The power of the army was solidified on July 14 1958 when a prominent and primarily Sunni-Arab Free Officer Corp led by Brigadier ‘Abdul-Karim Qasim (the only leading officer with a mixed Arab, Kurd, Sunni and Shi’i lineage) and Colonel ‘Abd al-Salam ‘Arif marched into Baghdad and succeeded in overthrowing the monarchy and instituted a republican system based on four justifications:

- a) The elimination of the preceding dictatorial regime and the establishment of an eternal Iraqi republic;
- b) To secure and foster the fully unity of Iraq;
- c) To secure the national interests of the country through rule of law, unity, and cooperation;
- d) To be wary of all malicious and offensive individuals and traitors in order to maintain the unity of the people.⁴⁵¹

With the exception of Qasim whose mother was an Arabized Faili Kurd and father a Sunni-Arab and two Shi’i Arab officers, Jai Taleb and Muhsin Husain al-Habib, 9 out of the 12 members of the Supreme Committee of the Free Officers who led the coup were

⁴⁴⁹ Dawisha (2009), 113. See also Sluglett and Sluglett, 43-44.

⁴⁵⁰ This is exemplified by two manifestos published by the ICP and left-leaning oppositional parties in 1946 and 1957 calling for democratic freedoms in Iraq, including the right to form associations, freedom of expression and publication and the right to form political parties and trade unions-all of which had been proscribed during the later years of the monarchy by Nuri’s government. Moreover, the more Pan-Arabist leaning novelist, Gha’ib Farman published *The Black Regime* in 1957 during his exile in Egypt depicted the authoritarian nature of the Iraqi state under the monarchy as “citizens were faced with death, imprisonment, regulation of everyday life by the police, and supervision of schools, mosques and houses. Bashkin, 102-103.

⁴⁵¹ *Majjalat al-Shuun al-Dakhiliyah, Al’aded*, Vol. 4 (Baghdad: M’tba’a Al’Ma’rif, Tišrīn at-Ṭhānī) pp, 4.

Sunni-Arabs.⁴⁵² The attempt to diverge from preceding governing tactics that saw the exclusion of Shi'is and minority groups seemed less likely considering that Sunni-Arabs were disproportionally represented in both the Republic's first Commanders' Council of 1958, the Sovereignty Council, and Qasim's first cabinet.⁴⁵³ The coup resulted in the purging of the ruling elites, including King Faisal II, and the brutal death and mutilations of the King's regent, 'Abd al-Ilha and the prime minister, Nuri al-Sa'id. The linear digression of the monarchy, growing authoritarianism, persistent economic stagnation, an ineffective parliament, corruption, and violent suppression of dissidence fuelled people's discontent.⁴⁵⁴ The elites of the revolution attempted to overhaul preceding governing structures and institutions in an effort to commence on a clean slate as exemplified by the following notice issued in the Iraqi Gazette:

We would like to invite your kind attention to the fact that all the issues of "IRAQ GOVERNMENT GAZETTE" from No. 49 of 1955 up to 14th July, 1958, have been cancelled. Now we have the pleasure to put up before you the First Issue of "THE WEEKLY GAZETTE OF THE REPUBLIC OF IRAQ" after the peaceful and miraculous "REVOLUTION" of Iraq on 14th July, 1958, which is one of the greatest feats of present time.⁴⁵⁵

To mark the abdication of the monarchical era, the Presidential Council issued Ordinance No. 23 of 1958 confiscating and centralizing all assets held by the "ex-dynasty" of Hashemite rule in Iraq.⁴⁵⁶

The state's institutional configuration changed to accommodate the new republican order. This included reinstating previously abolished laws and the creation of

⁴⁵² See Table 41-2, Batatu (1978), 778-781.

⁴⁵³ See Table 42-1 and 42-2, Batatu (1978), 810-813.

⁴⁵⁴ Dawisha (2009), 103.

⁴⁵⁵ *Gazette of the Republic of Iraq*, July 23 1958.

⁴⁵⁶ Ibid, "Republican Ordinance No. 23 of 1958, Regarding the Confiscation of the Property of Iraqi Ex-Dynasty and its Registration in the Ministry of Finance of the Republic of Iraq."

new ones to supplant those repealed following the revolution, including a new constitution.⁴⁵⁷ The 1958 constitution proclaimed Iraq a republic and an integral part of the Arab Nation where Arabs and Kurds are “considered partners in this Nation and their national rights within the unity of Iraq are recognized.”⁴⁵⁸ It also guaranteed equality under the law and freedom from discrimination based on race, origin, language, religion or belief, and freedom of thought and expression.⁴⁵⁹ Other progressive laws included Law No. 9 that created the Interdict Reformatory Institutions for Women aimed to provide economic, educational, and social support for former prostitutes, and Law No. 10 for the Care of the Disabled Institutions promulgated measures for providing the necessary aid for persons with disabilities in Iraq.⁴⁶⁰ Similarly, the Personal Status Law of 1959 was hailed as one of the most progressive of its kind in the region in the area of women’s rights, marriage, divorce, inheritance, and child custody.⁴⁶¹ Notwithstanding nominal progress made during this transformative period with the aforementioned laws, we observe the institutionalization of an emergent authoritarian state with the centralization of power by the ruling elites. This is reflected in the tripartite presidential council that consisted of a president, prime minister, and deputy prime minister.⁴⁶² By 1959, the new government consisted of an unelected three-member Sovereignty Council (executive branch), an unelected Council of Ministers (legislative branch), and 18 ministries.⁴⁶³ The Senate and

⁴⁵⁷ Ibid, “Law No. 57, Cancelling Laws which are incompatible with the Interim Constitution and the Aims of the Revolution,” November 25 1959, pp. 918.

⁴⁵⁸ *Iraq Gazette*, “Interim Constitution of the Republic of Iraq”, August 13 1958.

⁴⁵⁹ “Interim Constitution of the Republic of Iraq”.

⁴⁶⁰ *Iraq Gazette*, November 4 1959, pp. 820-29.

⁴⁶¹ *Iraq Gazette*, “Law No. 188 of 1959, for Personal Status,” March 23 1960.

⁴⁶² “Interim Constitution of the Republic of Iraq”.

⁴⁶³ *Iraq Gazette*, “Law No. 74, Concerning the Execution Powers of the Iraqi Republic,” December 2 1959, pp. 936.

Chamber of Deputies (the only elected body in parliament) of the monarchical era were abolished. Other laws were aimed to bolster the socio-economic development of the new republic.

These developments signified two shifts in the governing pattern of the emergent republic. First, abrupt changes sustained the authoritarian order through purges and the creation of new laws and regulations to serve the interests of the new ruling elite and their competing ideologies, which later also shaped intra-regime divisions under Ba'thist rule. Second, it coalesced the power of the armed forces in governing the state. These critical developments determined how Iraq's segments perceived their position in the new republic and set a path dependent trend in how the B'ath regime would later govern the state until its collapse in 2003. Defining and controlling the nascent republic required the institutionalization of authoritarian governance in order to legitimize the revolution and the militarization of the state by the ruling army elite.

Emergent Authoritarianism: Laws, Regulations, and Purges

The undemocratic transformation of the state from the monarchy to the republic fortified authoritarian rule by the army officers as the guardians of the state and the revolution. To mark this transformation, parliament was abolished and replaced with a sovereignty council, akin to an executive council, initially representative of Iraq's three main ethnic groups: Muhammad Mahdi Kubba, a Shi'i, Khalid al-Naqshbandi, a Kurd, and Najib al-Rubai'i, a Sunni Arab officer.⁴⁶⁴ Although political parties proscribed under the monarchy such as the National Democratic Party, the Istiqlal Party, and the B'ath party were briefly

⁴⁶⁴ *Iraq Gazette*, July 23 1958, 3; Marr (2012), 86.

reinstated and were represented in the newly established cabinet in an attempt to consolidate oppositional groups⁴⁶⁵, the centralization and consolidation of power by army officials beginning with Qasim as the republic's first prime minister, chief for the national Armed forces, and acting minister of defence, and Arif as Deputy Prime Minister, Assistant Commander in-chief, and acting minister of interior effectively cemented the role of the military in politics in Iraq for decades to come. Likewise, while the initial opening in the political space during this critical juncture was marked by attempts to govern inclusively by allotting seats to various members of Iraq's ethnic and religious communities in the cabinet,⁴⁶⁶ the constraints imposed by the army officers militarized the state during the first year of the coup as reflected in the first laws instituted during this transformative period. For example, Law No. 1 of 1958 enabled the unelected cabinet and council of ministers to purge the judicial system of any judges they perceived to be a threat to "public interest"⁴⁶⁷ and the Purge Law No. 2 effectively cleansed preceding governing elites and all officials suspected of posing a danger to the "general interest"⁴⁶⁸ of the regime. Similarly, to minimize and abolish all dissidence, the Sovereignty Council issued Law No. 7 proscribing any actions perceived by the regime to pose a threat to the revolution or the revolutionaries.⁴⁶⁹ The Purge Law, for instance, would be revised to reflect new forms of exclusion until the collapse of the state in 2003.

⁴⁶⁵ Marr (2012), 86.

⁴⁶⁶ Ibid.

⁴⁶⁷ *Iraq Gazette*, "Law No. 1 of 1958 For the Purge of the Judicial Officials," August 27 1958, pp. 52.

⁴⁶⁸ *Iraq Gazette*, "The Purge Law for Officials No. 2", September 3 1958.

⁴⁶⁹ *Iraq Gazette*, "Law No. 7 of 1958 Regarding Punishment of Those Who Plot Against the Security of the Country and Open in the Ruling System [sic] of the State the Way for Corruption," December 10 1958, pp. 218.

Although the ambiguity of the constitution regarding the nature of Iraq's executive, legislative, and judicial branches was symptomatic of the imprecise nature of the revolution and its architects, one thing remained clear: the ubiquitous role of the military and the armed forces in the new republic. Whereas the structure of government under the monarchy remained civilian, the post-revolutionary governing system grew more authoritarian in nature in two ways. First, it became heavily centralized around two unelected institutions, the Sovereignty Council and the Council of Ministers. Second, the monopolization and usurpation of power by victorious army officers following the revolution cemented the militarization of the state and its governing institutions. Moreover, the control of key executive and military institutions by Qasim and Arif effectively institutionalized the amalgamation of the military and the executive branch of government, which "left little doubt about where real power lay."⁴⁷⁰ The emerging elite's consolidation of power also required the centralization of the country's provincial and municipal governing institutions around Baghdad implemented through two key institutional mechanisms. First, the 1958 Amendment of the Municipal Administration Law of 1931 gave the Council of Ministers the power to dissolve any municipal council it perceived to pose a ambiguous threat to public interest.⁴⁷¹ Second, Law No. 14 of 1958 called for the dissolution of the administrative councils that were enshrined in the 1925 constitution that enabled various ethno-religious communities, like Jews and Christians, to establish provincial communal councils,⁴⁷² and could only be reinstated with the

⁴⁷⁰ Marr (2012), 86-87.

⁴⁷¹ *Iraq Gazette*, "Law No. 9 of 1958", January 7 1959.

⁴⁷² *Ibid.*

approval of the Council of Ministers. We observe that during the first decade of this critical juncture the country's institutional reconfiguration required abolishing and redirecting old institutions to serve new purposes. The militarized administration of the bureaucratic and administrative branches of government solidified the military as the guardian of the state's security and survival until the collapse of the Ba'thist state in 2003.

Two ideological factors complicated Qasim's rule: pan-Arabism and Iraqi nationalism. While Arif sympathized with national and regional pan-Arabists, Qasim focused on prioritizing Iraqi national interests and Iraqi nationalism. These diametrically opposed views not only affected how the incumbent ruling elites framed these diverging ideologies to accommodate their political goals but also how Iraq's ethno-religious groups responded to their imposition. Qasim's formation of the Ministry of Guidance and a new Directorate of Folklore attempted to integrate and co-opt leftist intellectuals and communists (who propagated Iraqi nationalism) to mitigate pan-Arabist threats.⁴⁷³ Placing emphasis on shared "cultural commodities" such as food, rituals, sports among other leisurely activities resonated well particularly with ethnic groups like the Kurds who "related more to Iraq as symbolized through its ancient civilizations than to pan-Arabist ideology, according to which Iraq was merely a region (*qutr*) of a larger Pan-Arab state dominated by Sunni Arabs."⁴⁷⁴ The consequences stemming from these competing ideologies during the first few years of the republic were instrumental in generating varying forms of resistance among Iraq's ethno-religious groups.

⁴⁷³ Davis (2005), 110-11.

⁴⁷⁴ Ibid.

The various push and pull factors effectively dichotomized Iraq's political sphere into two competing camps: Qasim, the leftists, and communists who enjoyed the support of Iraq's various ethnic and religious groups, particularly the Shi'i, Kurds, Assyrians and Yazidis on the one hand, and Pan-Arabist including Arif, the Ba'thist s and various prominent Arab tribes who resented the communists, on the other. While the Shi'i majority perceived Pan-Arabism as a predominantly Sunni-Arab project,⁴⁷⁵ other ethno-religious communities similarly remained circumspect of the socio-cultural homogeneity it espoused and "desired no change in the existing distribution of social power."⁴⁷⁶ The tension between these two ideational spheres were manifested in the Pan-Arabist rebellion in Mosul in March 1959, as noted by Batatu,

The events of March at Mosul illumined with a flaming glare the complexity of the conflicts that agitated Iraq and disclosed its various social forces in their essential nature and in the genuine line-up of their life interests. For four days and four nights Kurds and Yazidis stood against Arabs; Assyrian and Aramean Christians against Arab Moslems; the Arab tribe of Albu Mutaiwit against the Arab tribe of Shammar; the Kurdish tribe of al-Gargariyyah against Arab Albu Mutaiwit...It seemed as if all social cement dissolved and all political authority vanished.⁴⁷⁷

While Qasim's suppression of the Ba'thists following the Mosul revolt and their attempted coup in October 1959 neutralized a key oppositional force, it contradicted his promise of political reform and justified subsequent Ba'thist efforts to recapture the state a decade later. The difficulty in applying political reforms stemmed from the inability of incumbent governing elites to deviate from the authoritarian path set at the time of state formation and the reliance on coercion as a mechanism for governing and consolidating a divided

⁴⁷⁵ Nakash (2003), 136.

⁴⁷⁶ Batatu, 818. See Also Phebe Marr, "Iraq's Leadership Dilemma: a Study in Leadership Trends, 1948-1968," *Middle East Journal* 24.3 (Summer 1970): 289.

⁴⁷⁷ Batatu, 866.

society. I posit that state capture through coercion cemented asymmetrical power relations between the state's ruling elites and a deeply divided society.

Perhaps due to his mixed lineage (a Shi'i Kurd mother and Sunni-Arab father) Qasim's efforts to appease and integrate Iraq's Kurds, Turkmen, Assyrians, and the Shi'i *ulama* as a segment of the Shi'is of Iraq within the newly formed republic minimized ethnic fragmentation for a short period of time.⁴⁷⁸ His response to pan-Arabists is precisely captured in a major speech noting that "The Iraqi people consist of brotherly nationalities which have amalgamated in order to defend the existence of the eternal Iraqi Republic. [This is] why we always declare 'long live true Iraqi unity', for in it lies our strength."⁴⁷⁹ Others attempts at fostering national cohesion and Iraqi identity over Pan-Arabism included the incorporation of ancient and pre-Islamic, pre-Arab historical symbols as exemplified by the adoption of the Akkadian eight-pointed star of Ishtar (ancient Assyrian goddess) and the ancient Mesopotamian sun God Shamash into Iraq's national flag.⁴⁸⁰ Similarly, his socio-economic policies included increases in oil production, the construction of public housing for Iraq's poor, improvements in the educational system, healthcare and labour unions, and initiative to improve the standard of living for the poor.⁴⁸¹

Contestation and Suppression under the Qasim Republic

⁴⁷⁸ Sluglett and Sluglett, 77.

⁴⁷⁹ Quoted in Dawisha (2009), 198.

⁴⁸⁰ Dawish, 199.

⁴⁸¹ Sluglett and Sluglett, 76-7.

As with ruling elites under the monarchy, Qasim's short-lived tenure as the guarantor of Iraq's first revolution was fraught with attempts to consolidate power, eliminate opposition, and contain, through authoritarian and exclusionary means, increasing threats from contending societal forces. To counter mounting perceptions of authoritarianism, Qasim briefly re-established the formation of political parties in 1960 by granting licenses to previously excluded parties such as the National Democratic Party, the Kurdish Democratic Party, and the *al-Hizb al-Islami* (Islamic Party).⁴⁸² While a window of accommodation emerged during the initial rupture, perceived threats from these democratic openings were quickly neutralized by drastically reducing, or in some cases, obviating their presence from the national political arena. The elimination through legal means of perceived threats resulted in the suppression of pluralism in the emergent republic. This superficial opening in the political space was short-lived as political parties began challenging the regime, which resulted in Qasim's suppression of contending political forces such as communists, pan-Arabists, and Islamists post-1958.

Although constituting a key oppositional group, Qasim's initial success rested with the military alliance forged with the ICP under the United National Front in early 1958.⁴⁸³ Ideologically, the ICP and Qasim aligned in their orientation toward Iraqi nationalism that directly contradicted the ideological orientation of the Ba'athists.⁴⁸⁴ However, the party posed a tangible threat to the survival of the emergent regime as it enjoyed broad support from Iraq's ethno-religious groups. Moreover, the ICP's demands for more representation

⁴⁸² Tripp, 159-60.

⁴⁸³ Tareq Y. Ismael, *The Rise and Fall of the Communist Party in Iraq* (New York: Cambridge University Press, 2008), 74-5.

⁴⁸⁴ Ismael (2008), 85.

in the post-monarchical parliament and cabinet and their popularity and growing membership across Iraq posed a threat to Qasim.⁴⁸⁵ Consequently, Qasim turned against the party by banning its associations, youth and women's groups, the party's newspapers, and systematically targeting party members and communist sympathizers across Iraq in an attempt to consolidate his powerbase.⁴⁸⁶

Ideological divergence shaped the type and nature of opposition groups in Iraq under Qasim's republic. In particular, the growing ideological rift between Qasim, the communists and pan-Arabists determined the state's developmental trajectory. Whereas Sunni Arabs welcomed pan-Arabism and the creation of a unified Arab Republic out of contiguous regional states as it would alleviate their minority status in Iraq and secure their broader national and geopolitical interests, the Kurds and other ethno-linguistic minorities, many of whom constituted the ICP's membership base, adamantly opposed pan-Arabism and saw it as a threat to their cultural survival. Likewise, the Shi'is, although ethnically and linguistically Arab, not only equated pan-Arabism with Sunnism⁴⁸⁷, but also feared that a pan-Arab union involving Iraq would relegate their status from a majority to a minority, and thusly advocated Iraqi nationalism instead.⁴⁸⁸ Likewise, by late 1960, the Islamic Party saw its members arrested and its newspapers shut down due to its criticism of the government. As with the preceding monarchical regime, the threat and growing influence of opposition political parties in their ability to challenge the government made them a target under Qasim's rule.

⁴⁸⁵ Ismael (2008), 91-93.

⁴⁸⁶ Ibid, 99-100.

⁴⁸⁷ Nakash, 136.

⁴⁸⁸ Dawisha (2009), 197-98, 202.

These policies produced two outcomes: first, they solidified the power of the state and its security sector over Iraq's socio-political arena; second, they diminished the governing capacity of the electorate and opposition groups from the political arena, which cemented authoritarianism within the state's governing institutions. As with the preceding monarchical regime, Qasim's failed statebuilding and the failure to devise inclusive and accommodative institutions could reconcile Kurdish, Assyrian, Ba'thist and pan-Arabist demands affected his tenure and survival as a revolutionary leader.

Fuelled by the centralization of the state around Baghdad and by broken promises to implement a comprehensive autonomy agreement as enshrined in the post-1958 constitution and Qasim's rejection of a Kurdish memorandum on autonomy, the Kurdistan Democratic Party (KDP) led by Mullah Mustafa Barzani launched a revolt against the regime in 1961.⁴⁸⁹ The Kurds saw Qasim's centralization policies in the name of state sovereignty as a threat to the quasi-territorial independence they had enjoyed since the Ottoman era.⁴⁹⁰ Likewise, the exclusion of the Ba'thists from the political arena resulted in their mobilization through clandestine Ba'thist networks that began to consolidate and mobilize into a formidable force under the guidance of 'Ali Salih al-Sa'di in 1962. Ba'thist tactics included eliminating the Ba'thist main opposition, the leftists and communists, and bolstering the party's organizational structure by expanding its network of operations and support throughout the country.⁴⁹¹ While some opposition parties were heavily

⁴⁸⁹ David McDowell, *A Modern History of the Kurds*, 3rd Edition (London: I.B. Taurus, 2005), 308-310.

⁴⁹⁰ Avshalom H. Rubin, "Abd al-Karim Qasim and the Kurds of Iraq: Centralization, Resistance and Revolt, 1958-1963," *Middle Eastern Studies* 43.3 (May 2007), 354.

⁴⁹¹ Tripp, 162.

suppressed, such as the Communist Party which was almost eliminated by the 1990s, many continued to operate underground or in exile.

Wider regional developments such as Gamal ‘Abd al-Nasir’s growing quest for Arab solidarity affected the post-1958 domestic governing trajectory particularly as it pinned Qasim, a proponent of Iraqi nationalism, against Iraqi pan-Arabist and Ba’thist officers influenced by Nasir’s ambitions for a unified regional order. Qasim’s government perceived such unity as destabilizing for the domestic security of regional states and in violation of Iraq’s state sovereignty.⁴⁹² Contrarily, Iraqi Ba’thist members sympathetic to and receptive of Nasir’s vision posed one of the most formidable challenges to Qasim’s government, and would continue to do so until its successful capturing of the state in 1968. This is evidenced by the dichotomization of political parties following the revolution into the pan-Arabist camp such as the *Istiqlal* and the B’ath parties versus the ICP and the National Democratic Party (NDP)—both of which enjoyed cross-communal support from Iraq’s Shi’is, Kurds, Assyrians, and other minorities, served to bolster societal divisions and national fragmentation.⁴⁹³ These forms of contention did not “lead to the setting of new parameters for a supra-communal society, in which the predominance of the Sunnis could be shattered or challenged.”⁴⁹⁴

Complicating matters was Qasim’s perceptions of who owned the state and the revolution. His cult of personality, similar to that of Nuri al-Said under the monarchy, inculcated a façade of the fragile nature of the institutional and governing capacity of the

⁴⁹² Dawisha (2003), 152.

⁴⁹³ Marr (2012), 89.

⁴⁹⁴ Lukitz, 147.

state. This not only tied the process of statebuilding to a single individual, but also created a path dependent trend in how successive ruling elites would come to perceive and govern *their* state. Moreover, Qasim's attempt to create a unified compound nation did not reflect the organizational and institutional capacity of the state to accommodate ethno-religious groups. Another critical consequence of the 1958 revolution was the mechanization of the armed forces rather than mass social movements and civil society groups as the guardians of the state. In doing so, the revolution set the path by which future leaders came to determine and justify the militarization of the state and the state's security apparatuses to govern a pluralistic society.

Institutions and Ba'thist Ascendancy in the Second Republic

On February 8 1963 Ba'thist s and Arab nationalists officers succeeded in assassinating Qasim.⁴⁹⁵ The purpose was two fold: to overthrow what they perceived to be a key obstacle to achieving Pan-Arab unity and to quell the Iraqi communist movement—the most popular and unifying force in Iraq's political history that cut-across ethnic and religious cleavages.⁴⁹⁶ The struggle between Qasim's Iraqi nationalism versus pan-Arabism was a key ideological factor for the Ba'thist s and Pan-Arabists who succeeded in toppling his regime.⁴⁹⁷ Qasim's failure to create representative institutions and a political agenda that could accommodate pluralism was impeded by his militarization of

⁴⁹⁵ Scholars have pointed to the CIA's involvement in Qasim's overthrow and their support for the Ba'thists to eliminate a rising communist threat in the region during the Cold War era. See Batatu, 986 and Davis, 114.

⁴⁹⁶ Tripp, 170.

⁴⁹⁷ The new revolutionaries saw Qasim as a leader who "cracked the national unity, isolated Iraq from the caravan of liberated Arabism, and stabbed the nationalistic aspiration of our people." *Weekly Qazette of the Republic of Iraq*, "Declaration No. 1 of the National Council of the Revolutionary Command," 27 February 1963, pp. 179.

the state that reproduced exclusionary and authoritarian governing structures.⁴⁹⁸ The institutions that emerged in post-Qasim's republic demarcated a shift in the level of government entrenchment in the political and socio-economic affairs of the state. The formative five years of the second republic from 1963-1968 began the process of hyper-state centralization in order to consolidate power and co-opt dissident groups. Thus, when the Ba'thist s seized full control in 1968, the Party became the centre of gravity for managing all of Iraq's affairs.

During this time, we see both the abrupt and incremental transformation of governing institutions to reflect the ideological shift of the ruling elites. A provisional constitution was drafted on April 19 1964 that declared Iraq a democratic socialist state “deriving her democracy and socialism from the Arab Heritage and the Islamic spirit” and that the Iraqi people are part of the Arab Nation seeking “comprehensive Arab unity which the government is bound to achieve as soon as possible, starting thus from the union with the United Arab Republic.”⁴⁹⁹ The constitution granted the president exclusive rights to appoint the prime minister, approve laws, regulations, and cabinet decisions, appoint civil officers and judges.⁵⁰⁰ Although Article 62 granted the parliament full legislative powers, articles 69 and 98 made it subservient to the president. As a new institution, the National Council of the Revolutionary Command (NCRC)—what would later become the Revolutionary Command Council (RCC) under Saddam Hussein's reign, was also created as the leading organ of the revolution by twelve Ba'thists and four Arab nationalist officers,

⁴⁹⁸ Sluglett and Sluglett, 77.

⁴⁹⁹ *Weekly Gazette of the Republic of Iraq*, “Interim Constitution of Iraq,” 20 May 1964.

⁵⁰⁰ *Ibid*, Articles 43-60.

with ‘Abd al-Salam ‘Arif as president and Ahmad Hasan al-Bakr as vice-president and Prime Minister (who would later become the president of Iraq prior to Saddam Hussein) following Qasim’s assassination.⁵⁰¹ Sunni-Arabs, comprising 66.7 percent, were overwhelmingly represented in the NCRC between February-November 1963, with 27.8% Shi’i Arabs, 5.5% Kurds (mostly Arabized Faili Kurds), and no representation for smaller ethnic and religious minorities such as the Turkmen, Assyrians, Yazidis or Shabaks.⁵⁰² The NCRC became the supreme commanding institution of the armed forces, the police, and the national guard with the legislative powers to declare war or peace, appoint and dismiss cabinets and civil and military officials, and was allotted the “right of supervision over the affairs of the Iraq Republic so as to ensure the defence of the Revolution and the fulfilment of its goals.”⁵⁰³

As outlined in Appendix A, while new laws were created, old ones were amended to accommodate the authoritarian shift of the state. This pattern of institutional layering illustrates the processes that dictated the reconfiguration of the state during each critical juncture. For example, both the Government Purge Law and the Judicial Purge Law created by Qasim in 1958 were amended to grant the NCRC unmitigated powers for approving and selecting incumbents.⁵⁰⁴ Similarly, the incorporation of higher education into the domain of the NCRC drastically limited the communists and leftists’ social base

⁵⁰¹ Tripp, 171.

⁵⁰² Batatu (1978), Table 55-1, pp. 1004-1007 and 52-2, pp. 1008.

⁵⁰³ *The Weekly Qazette of the Republic of Iraq*, “Law No. 25 of 1963, the National Council of the Revolutionary Command,” 3 July 1963, pp. 623. Similarly, Notification No. 15 empowered the NCRC with the “higher authorities in the Republic of Iraq including the juristical [sic] powers and the authority of the Commander in Chief of the Armed Forces to elect the President of the Republic and the formation of the Government.” *The Weekly Qazette of the Republic of Iraq*, February 27 1963, pp. 185.

⁵⁰⁴ *Iraq Qazette*, March 6 1963, pp. 202-203.

while encapsulating colleges and universities within the Party's domain.⁵⁰⁵ As the main unifying force,⁵⁰⁶ the Iraq Communist Party became a target by the Ba'thists within a few weeks following the coup.⁵⁰⁷ Eliminating the ICP meant abolishing the only party that could contest Ba'thist power and the only party that cut-across ethnic and religious lines.⁵⁰⁸ Thus, the homogenization of society began with the institutionalization of Pan-Arabism as the ideological impetus for the creation and justification of single-party rule that emerged post-1968.

1958-1968 was a critical decade for Iraq's social and political transformation that created novel ways for governing this highly divided society. Two factors determined the state's institutional transformation during this endogenous critical juncture. First, the institutionalization of an unelected and unaccountable military executive council as the principal governing body cemented authoritarian rule and later paved the way for the totalitarian one-party state that emerged under Saddam Hussein. Second, the conversion of old institutions to accommodate a deeper shift toward authoritarian governance that enabled incumbent autocrats to create "institutional trenches" through a heavily centralized executive branch to secure their survival during these transformative periods.⁵⁰⁹ Consequently, the constraints imposed by this authoritarian trajectory shaped

⁵⁰⁵ *Iraq Gazette*, "The National Council Decides the Appointment of the following Deans," February 27 1963, pp. 188.

⁵⁰⁶ Whereas the Ba'th Party remained a privy of Sunni-Arabs, the ICP continued to enjoy support from Iraq's diverse ethnic and religious sects. This is reflected in its Central Committee from 1965-1967 where Shi'i Arabs constituted 53%, Sunni Arabs 10%, Kurds 23%, Persians 3.3%, Christians 10%. See Batatu, Table 56-2, 1046.

⁵⁰⁷ *Iraq Gazette*, "Notification No. 13" 27 February 1963, pp. 184.

⁵⁰⁸ For a list of executions of communists and leftists in 1963 by the Ba'thists, see Batatu, Table 53-2, pp. 989.

⁵⁰⁹ Jennifer Gandhi and Adam Przeworski, "Authoritarian Institutions and the Survival of Autocrats," *Comparative Political Studies* 40.11 (November 2007): 1293.

resistance against the state from Iraq's ethnic and religious communities. Most notably, key political and military positions were assigned to Sunni-Arabs and the Shi'is were deliberately marginalized from key governing positions, were allotted inconsiderable positions in his first cabinet, and endured "disproportionate share of imprisonment, torture, and job loss in the 'Aref era."⁵¹⁰ Similarly, 'Aref's reluctance to incorporate the Kurds within governing structures and his consistent failure to implement Kurdish cultural and institutional aspirations cemented their exclusion from the state.⁵¹¹ This led to Kurdish rebellions and government-sponsored counter offensives throughout the 1960s. Furthermore, mounting animosity with the state from Kurdish, Shi'i, and Sunnis who fell outside 'Aref's tribal rooted in his open reliance on kinship and tribal ties, his inclination toward pan-Arab unity, and his reliance on the state's main security apparatus, the Republican Guard to solidify this powerbase.⁵¹² Another outcome of the 1963 coup was the infiltration of a handful of army officers from Tikrit (Saddam's birthplace and a Sunni-Arab stronghold in Iraq) within the governing institutions of the state, which was reflected in the heads of key institutions.⁵¹³ The pattern that emerged locked actors in the same repetitive processes of reinstating authoritarian rule, albeit it for diverging purposes. This path dependence of the state's institutional configuration and reconfiguration during times of political transition indicate the inability of governing elites to diverge from the

⁵¹⁰ Dawisha (2009), 206.

⁵¹¹ Dawisha (2009), 206.

⁵¹² Tripp, 177-179.

⁵¹³ Although 'Abd al-Salam 'Arif was a non-Tikriti Sunni-Arab, Hardan al-Takriti (the deputy commander-in-chief of the armed forces and the Minister of Defence), Premier Taher Yahya, Brigadier Rashid Musleh (the minister of interior and military governor general), and Ahmad Hasan al-Bakr, the Vice President of the Republic were all members of the Military Bureau of the B'ath Party and were all from Tikrit—a Sunni-Arab stronghold. Batatu, 1028.

authoritarian structures imposed by their predecessors. The militarization of the executive branch of government became the institutional norm following the 1958 coup.

The reliance on the military was a path set by the state's colonial architects through the use of the RAF (the Royal Air Force) to contain rebellion and consolidate a divided state during the initial period of state formation. Subsequent leaders, both under the monarchy and the republic, saw the military and the coercive power of the state as the primary means for governing Iraq. Thus, Iraq's political and institutional development became a zero-sum game of winners and losers enmeshed with exclusionary and authoritarian governing patterns in order to control the state. The manifestation of authoritarian rule during the last decades of the monarchy would resurface, particularly given the more restrictive and chauvinistic Pan-Arab nationalism espoused by the Ba'thists.⁵¹⁴ The processes that unfolded prior to the Ba'thist takeover in 1968 paved the way for the institutionalization of single-party rule and Saddam's eventual consolidation of power in 1979. The Revolutionary Command Council (RCC) would become the principal policy and military governing institution in the country until the toppling of Saddam Hussein in 2003. Stemming from the need to contain domestic threats emanating from Iraq's socio-cultural and geographic divisions (the rebellious Kurds in the north and the Shi'is to the south), the Ba'th regime sought to concentrate power as a means for consolidating an increasingly divided political and social field.⁵¹⁵

The institutions that emerged post-1958 became entangled in varying ideological dichotomies that pinned the interests of the Iraqi people against their ruling elites who

⁵¹⁴ Davis, 116.

⁵¹⁵ Saouli, 118-20.

sought to monopolize power through military means. Hence, “political institutions, such as political parties and parliaments, were viewed as a hindrance to the direct link between the leader and the people.”⁵¹⁶ Fuelling the resistance of non-Sunni Arab ethnic and religious groups was the overwhelming representation of Sunni Arabs in the B‘ath Party, which was reflected in the membership breakdown of the Party’s command in Iraq between 1952-1970. Out of 47 members, 29 or 61% were Sunni-Arabs, 15 were Shi’i Arabs (31%), 1 Assyrian Christian, and two members were of mixed Sunni-Shi’i backgrounds.⁵¹⁷ Sunni-Arabs also dominated the Party’s membership across the Middle East, and would continue to do so as reflected in Table 6 below:⁵¹⁸

Table 6: Ethnic Breakdown of B‘ath National Command, 1954-1970

Religious Designation	Members	Total Percentage
Sunni Arabs	22	49%
Shi’i Arabs	10	22%
Christians	5	11%
Alawis	4	8%
Druz	3	6%
Zaidi	1	2%

Source: Batatu (1978), 1224-1229.

As with their predecessors under the monarchy and the Qasim era, a handful of Iraqi governing elites both exerted and recycled their positions within the governing institutions of the state. Thus, while the country experienced both domestic and exogenous shocks, ruling elites simply adapted rather than drastically altered their governing techniques to account for changing dynamics.

⁵¹⁶ Dawisha, 207.

⁵¹⁷ See Batatu, Table A-49, Members of the Command of the B‘ath Party in the Iraqi Region 1952-1970, pp. 1216.

⁵¹⁸ See also Index B.

The permeation of a select few Sunni-Arab elites was reflected in their shuffling of executive posts in order to both maintain Sunni-Arab ownership of the state and its ideological leaning as a key regional player for sustaining pan-Arabism.⁵¹⁹ Military officers deposing each other through military coups became the pattern by which successive leaders governed the state. Hassan al-Bakr, a Ba'thist military officer and relative of Saddam Hussein, and a person active in politics since the 1950s and instrumental in the 1963 coup, succeeded in overthrowing the 'Aref brothers in 1968. Both Bakr and Saddam and their allies had conspired in the materialization of the coup a year prior by infiltrating and seeking allies in key governing institutions such as the Republican Guard and military intelligence.⁵²⁰ Eventually, Saddam succeeded in nudging Bakr aside and assumed office in 1979-2003. What emerged was a regime composed of a group of elites "of extended families, clans and tribal networks from the provincial Sunni Arab north-west of Iraq" who used these links and networks to institute authoritarian rule through exclusionary means.⁵²¹ In effect, the second critical juncture of Iraq's political history ended with the Ba'thist takeover and the institutionalization of single-party autocratic rule in 1968. The Ba'thists and pan-Arabists played a critical role that mobilized the sources of change that led to the toppling of the monarchy in 1958. By 1968, they had mobilized and organized themselves into a contending force against all other political factions in Iraq that ensured their eventual survival until the collapse of the state in 2003.

⁵¹⁹ Whereas 'Abd al-Rahman 'Aref was elected as the president of the republic following 'Abd al-Salma 'Aref's death in a helicopter crash in 1966, Ahmad Hasan al-Bakr, a leader of the B'ath Party in Iraq and a relative of Saddam Hussein, deposed Abd al-Rahman and formalized Ba'thist rule in 1968.

⁵²⁰ Tripp, 190-1.

⁵²¹ Ibid, 193.

Institutions and Single Party Rule: Cementing Autocratic Rule in Iraq, 1968-2003

Ba‘thist Ideology: Explaining the Permeation of the Party and Regime

The Ba‘thist takeover of 1968 solidified the party’s accession in Iraq and altered the state’s institutional configuration to accommodate the party’s ideological base. This period effectively terminated the critical juncture that was opened in 1958 as the emergent regime encapsulated both state and society for decades to come as the party’s ideology reoriented the state-society relations following Saddam’s accession to power in 1979. The principles of liberty and socialism coupled with the party’s slogan “One Arab Nation, with One Eternal Message” became a remedial framework for structuring and uniting a fragmented state by limiting contestation. The consolidation of the army facilitated the suppression of key oppositional forces that drew wide support from other segments of society, namely the Iraqi Communist Party and the various Kurdish parties, like the KDP.⁵²² As will be demonstrated in the proceeding sections, pan-Arabism was diffused through key authoritarian institutions, namely, the Revolutionary Command Council (RCC), the armed forces, and the education system along with other key offices of the state. The state that emerged post 1968 was one ruled by executive decrees and where the state’s security apparatuses sustained the party and regime. The initial permeation of pan-Arabism within the party and regime and its institutional diffusion in the state’s governing structures became a key mechanism for consolidating and capturing a divided society.

⁵²² Sluglett and Sluglett, 126.

I argue that pan-Arabism—the ideological foundation of the B‘ath Party, united a group of ruling elites under a monolithic regime structure. Moreover, the dominance of Sunni Arabs in the emergent republic diverged little from the monarchy; thus, while elite interests, ideologies, and governing dynamics differed, the replication of the community’s ownership of the state meant there was little divergence from the time of state formation. Likewise, Saddam’s reliance on a tightly knit familial patronage system and Sunni-Arab state tribalism sustained the Ba‘th’s socio-economic and political survival.⁵²³ Regime here refers to “repeated, strong interactions among major political actors including a government.”⁵²⁴ While true that Saddam Hussein repressed many Sunni Arabs that fell outside his patronage system and those sympathetic to the ICP, the dominance of Sunni-Arab ruling elites nevertheless dictated these interactions following 1968 particularly as fourteen members of the RCC between July 1968 and September 1977 were Sunni, all except one Arabized Kurd were Sunni-Arab, and six were from Tikrit (Saddam’s hometown).⁵²⁵ The party determined and defined state policies through its institutions and attempted to penetrate society to minimize opposition and coerce complacency and legitimacy. One way the party did this was by sanctioning ideological expositions in the forms of newspapers and magazines to party members and non-members, as well as through information disseminated to the public by radio, television, and a heavily censored press.⁵²⁶ Conceptualizing this amalgamated relationship between the regime and party rests with the assumption that in the case of Iraq, the B‘ath Party was an instrument of the

⁵²³ Faleh A. Jabar, “How Saddam Keeps Power in Iraq,” *Le Monde Diplomatique*, October 2002.

⁵²⁴ Charles Tilly, *Regimes and Repertoires* (Chicago: University of Chicago Press, 2006), 19.

⁵²⁵ Batatu, Table 58-2, pp. 1086-1088.

⁵²⁶ Helms, 103-104.

regime; i.e. the party was embedded in the regime itself since it dictated prevailing relations among party members and all political actors.⁵²⁷ While Iraq underwent both internal and exogenous shocks to its statebuilding process since its creation, we see a pattern emerge in how ruling elites created and defined the parameters of state-society relations and exercised ethnic control through the institutions of the state.

Adopting Geddes classification of authoritarian regimes, I posit the Ba'ath under Saddam was a synthesis of single-party and personalistic rule. Whereas the single-party regime ensures that “access to political office and control over policy are dominated by one party,” the personalistic regime institutionalizes control of an individual leader by making sure that “access to office and the fruits of the office depends much more on the discretion of an individual leader” and where “neither the military nor the party exercises independent decision-making power insulated from the whims of the ruler.”⁵²⁸ The stability of personalistic and single-party regimes is predicated on their resistance to internal splits except under extreme economic conditions that “disrupt the material underpinnings of the regime loyalty” and the resilience of the latter is often only challenged by external/exogenous factors rather than internal/endogenous splits.⁵²⁹ The amalgamation of Ba'athist ideology with the regime created the ideational and material basis for Saddam's durability. I posit that the ideology became a social regime characterized by a “set of rules stipulating expected behavior and ‘ruling out’ behavior

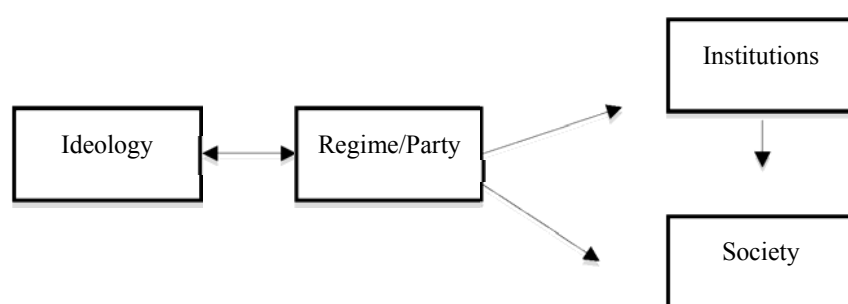
⁵²⁷ Tilly, 19.

⁵²⁸ Barbara Geddes, “What do we know about Democratization after Twenty Years?” *Annual Review of Political Science* 2 (1999): 121.

⁵²⁹ Geddes, 122.

deemed to be undesirable.”⁵³⁰ As will be demonstrated, state institutions became the mechanisms for creating and diffusing Ba‘thist ideology according to Saddam Hussein, concocted and operationalized through autocratic single-party rule in order to both sustain ethnic dominance that prevented the accommodation of multi-ethnic demands of a highly divided state and society. This causal relationship is demonstrated below:

Figure 10: The Ideological and Institutional Diffusion of the Ba‘th Party



Moreover, the capacity for ruling elites to succeed in disseminating the party’s ideology rested with the level and degree of state bureaucratization of governing institutions, characterized as follows:

(a) expansion in public bodies of the sort that can be measured by increases in the numbers of administrative units and personnel as well as the rise in public expenditure, including in particular, wages and salaries; and (b) an orientation whereby the administrative and technical dominate over the social. Generally it is a tendency that goes very much in the direction of centralisation, hierarchy and control.⁵³¹

⁵³⁰ Streeck and Thelen (2005), 12-13.

⁵³¹ Nazih Ayubi, “Arab Bureaucracies: Expanding Size, Changing Roles,” in *The Arab State*, ed., Giacomo Luciani (Berkeley: University of California Press, 1990), 129.

The expansion of Iraq's bureaucratic institutions can be traced to two processes we see in other regional states. First, economic growth resulting from rents and oil production required more human capital to sustain the administrative capacity of the state combined with an entrenched civil service sector and an expansive military. Second, as will be demonstrated, the penetration and centralization of governing institutions was embedded in Ba'thist ideology in order to control society.⁵³² The latter point is critical for understanding the forms of resistance that emerged from ethnic and religious groups targeted by the state. While Ba'thist ideology was mutable and changed over time and during varying conjunctures as evidenced through the deployment of discursive language that encapsulated society with the regime,⁵³³ the normative value attached to state institutions became the instruments by which this ideology could be manifested and propagated and where the regime defined "rule makers and rule takers."⁵³⁴

The coercive apparatuses of the state became institutional mechanisms by which the single-party autocratic regime sustained its grip on power in order to "control both the military and their rivals within the ruling elite" and to "mobilize and supervise the masses."⁵³⁵ The permeation of these mechanisms as governing tools hindered any prospects for multi-ethnic accommodation under the Ba'thist period as the state became heavily centralized around the party and the regime. Moreover, the B'ath party's scope and level of centralization based on coercion and terror manifested through a pervasive

⁵³² Ayubi, 141.

⁵³³ For an excellent analysis of the role of language and ideology, see Lisa Wedeen's "'As If': Symbolic Politics and Social Control in Syria," *Comparative Studies in Society and History* 40.3 (July 1998): 504.

⁵³⁴ Streeck and Thelen, 13.

⁵³⁵ Gandhi (2008), 36.

security system particularly under Saddam Hussein sustained its institutional survival. Scope here refers to the “size of the party’s infrastructure, or the degree to which it penetrates the national territory and society” while cohesion denotes the “incumbents’ ability to secure the cooperation of partisan allies within the government, in the legislature, and at the local or regional level.”⁵³⁶ The robustness of the latter is dependent on the extent of nonmaterial ties such as a shared ethnicity or ideology particularly if the party in power emerged as a result of a successful revolution.⁵³⁷ Overseeing the survival of the state and its order was a strong leader or “Great Patron” (Saddam Hussein) who guaranteed its stability, usually through centralization as a means of consolidating power.⁵³⁸ Effectively, Saddam’s personalistic regime meshed the party with the individual, which reinforced his capacity to control society.

Explaining the relationship between state institutions and ethnic conflict in Iraq under the B‘ath period is pertinent to the study of how actors behaved and the choices they made that helps us “understand the political constraints and inducements that shape behavior and outcomes.”⁵³⁹ Two interdependent processes began to unfold during this critical time period. First, the institutionalization of authoritarianism sustained the tribal dominance of predominantly Sunni-Arabs in governing a divided society; second, this produced resistance among Iraq’s other ethnic and religious groups, including the Shi’is, Kurds, Assyrians, Turkmen, Shabacks, and Yazidis. Here I posit that ethnic responses to

⁵³⁶ Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (New York: Cambridge University Press, 2010), 64-65.

⁵³⁷ Levitsky and Way, 65.

⁵³⁸ Giacomo Luciani, “Introduction,” in *The Arab State*, ed., Giacomo Luciani (Berkeley: University of California Press, 1990), xxvii.

⁵³⁹ Jason Brownlee, *Authoritarianism in an Age of Democratization* (New York: Cambridge University Press, 2007), 10.

Saddam's regime and the Ba'ath party were conditioned by the institutional constraints the party imposed on society in order to create cohesion and control. The exclusionary and growing authoritarian nature of the state as manifested in the subservience of state institutions to the regime limited the latter's contestation which ultimately fuelled ethnic discord as groups were unable to challenge the state's coercive power.

Restructuring the State under the Ba'ath

Structuring Iraq following the Ba'athist takeover altered the modes and forms of authoritarianism and exclusion. Placing institutions at the centre of analysis under this time period vis-à-vis ethnic conflict in Iraq can explain "the formation and reproduction of opposition identities" and how opposing the regime can "redefine a group's identity and conception of appropriate behavior."⁵⁴⁰ The party and regime thus became institutions for controlling Iraq as a divided society. The revolution's purposes and aims is best captured by Tarq Aziz, Iraq's Vice-President until 2003:

Revolution is one of the hardest and most complex historical processes which man can undertake either as an individual or as a group... This is because the process involves the transformation of the individual intellectually, behaviourably [sic] and ethically and the drastic transformation of society economically, politically, culturally, socially and militarily.⁵⁴¹

Sustaining the systematic overhaul following the Ba'athist capturing of the state was the control of non-Ba'athist political forces and the neutralization of all opposing political and military elements as outlined in the Eighth Regional Congress of the Ba'ath Party in

⁵⁴⁰ Richard Snyder and James Mahoney, "The Missing Variable: Institutions and the Study of Regime Change," Review Article, *Comparative Politics* 32. 1 (October 1999): 114.

⁵⁴¹ Tariq 'Aziz, *The Revolution of the New Way*, (1977), 67.

1974.⁵⁴² Operationally, this was executed by replacing all bureaucratic and governing institutions, including the Cabinet and the RCC with party members and regime sympathizers in order to control state and society.⁵⁴³ Law No. 142 of 1974 officially implemented the findings of the report within its governing institutions, including ministries, departments of state, state establishments, organizations and all governing bodies as the leading guiding principles of the regime in order to ensure cohesion and compliance with the governing principles of the party.⁵⁴⁴ I explain the impact of this transformation on Iraq's ethnic and religious communities by framing it within the institutional mechanisms and process that sustained the autocratic state that emerged post-1968. This both explains authoritarian durability and illuminates the processes that led up to its maturation. It likewise requires an analysis of how the regime and its institutions managed Iraq's ethnic and religious pluralism.

Although the initial Ba'thist takeover instituted authoritarian governance in order to legitimize and solidify the regime's control of the state, I posit that the state following Saddam Hussein's usurpation of power oscillated between various levels of totalitarian and authoritarian rule. Between 1979-1991 (at the height of Hussein's power consolidation) we observe that the state became more totalitarian in character due to the presence of three interlinked factors characterized by Linz as a) the monopolization of power—or monism, that absorbs, either through the destruction or weakening of pre-existing institutions, organizations, and interest groups; b) the presence of an exclusive,

⁵⁴² *Revolutionary Iraq: 1968-1973*, "The Political Report Adopted by the Eighth Regional Congress of the Arab B'ath Socialist Party-Iraq," January 1974, 37.

⁵⁴³ 8th Regional Congress, January 1974, pp. 62-65.

⁵⁴⁴ Iraq Gazette, "Law No. 142, the Party" 12 December 1974.

autonomous, and intellectually elaborate ideology “with which the ruling group or leader, and the party serving the leaders, identify and which they use as a basis for policies or manipulate to legitimize them”; c) “Citizen participation in and active mobilization for political and collective social tasks are encouraged, demanded, rewarded, and channelled through a single party and many monopolistic secondary groups.”⁵⁴⁵ The classification of the Ba’ath regime as totalitarian rests with the presence and permeation of “an ideology, a single mass party and other mobilizational organizations, and concentrated power in an individual and his collaborators or a small group that is not accountable to any large constituency and cannot be dislodged from power by institutionalized, peaceful means”⁵⁴⁶

Furthermore, the entrenchment of pan-Arabism helped articulate a new ideological foundation for the regime one that was “derived by and for the party rather than any other social or political structures.”⁵⁴⁷ This was reflected in its constitution which declared the party a “national revolutionary popular movement struggling for Arab unity, freedom and socialism” united under the three principles of “unity and freedom of the Arab nation; the personality of the Arab nation; and the message of the Arab nation.”⁵⁴⁸ Similarly, Article 28 of the 1970 constitution elucidated the importance of education in fostering Arab unity against capitalism, Zionism and colonialism.⁵⁴⁹ The party was in many ways akin to Big Brother’s Party in Nineteen Eighty Four in that the regime sought to absorb the individual

⁵⁴⁵ Juan J. Linz, *Totalitarian and Authoritarian Regimes* (Boulder: Lynne Rienner Publishers, 2000), 70.

⁵⁴⁶ Linz, 67.

⁵⁴⁷ Clement H. Moore, “The Single Party as Source of Legitimacy,” in *Authoritarian Politics in Modern Society* (New York: Basic Books, 1970), 52-3.

⁵⁴⁸ National Defense University, Conflict Records Research Center (CRRC), Saddam Hussein Collection, SH-BATH-D-000144, “Arab Socialist Baath Party Principles.”

⁵⁴⁹ Iraq Gazette, “The Interim Constitution,” 25 September 1974.

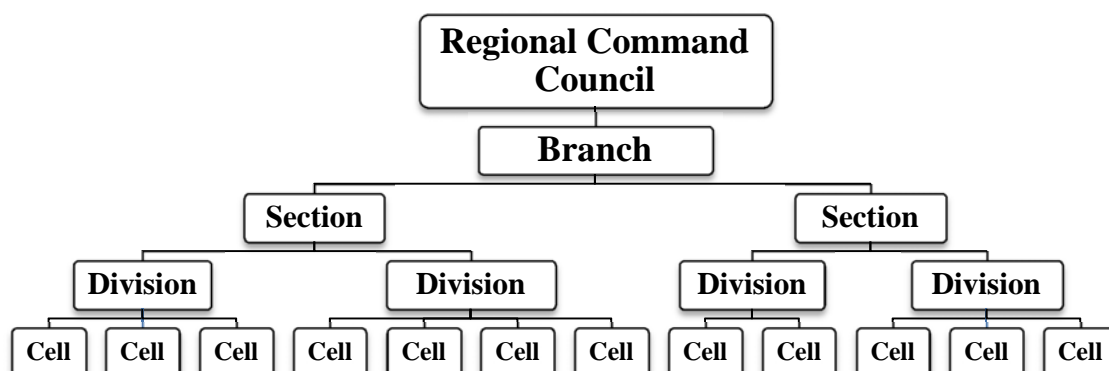
into the party and its revolutionary principles and that individual relations in the party were “based on principles and subjectivity on all party levels, ranks, plans and activities, where the party replaces the individual and the interest of the party replaces the personal interests.”⁵⁵⁰

Thus, the party became an organization that structured society along a new political culture based on Ba’thist principles. This produced two outcomes. First, the party’s infiltration of the state’s bureaucratic and governing institutions made it impossible to have any other allegiance than to the B’ath party since party membership was mandatory for government employees (which constituted the largest work force in Iraq) and the party’s influence over governmental decisions at both lower and upper levels through a methodical surveillance system that monitored the activities of all government departments.⁵⁵¹ Second, the cooptation of elites, use of violence, state penetration in society, and the militarization of the state sustained the regime’s survival. The operating structure of the party facilitated the regime’s control of the various sectors of the state as demonstrated below:

Figure 11: Operating Structure of the Arab Socialist B’ath Party in Iraq

⁵⁵⁰ NDU, CRRC, Saddam Hussein Collection, SH-BATH-D-000144, “Arab Socialist Baath Party Principles.”

⁵⁵¹ Christine Moss Helms, *Iraq: Eastern Flank of the Arab World* (Washington: The Brookings Institution, 1984), 91.



Source: Adapted from Christine Moss Helms, *Iraq: Eastern Flank of the Arab World* (Washington: The Brookings Institution, 1984), 84.

The diffusion of the party in society ensured loyalty by minimizing and eliminating dissidence. At the upper echelon of the party was the Regional Command Council (RCC) (*qutr*), which determined the party's policy. Although four countries—Syria, Iraq, Lebanon, and Jordan obtained this regional status, the only successful states that adopted its ideology were Iraq and Syria. However, both states would later contravene the Party's aim to institute pan-Arabism as the solution to ethnic fractionalization as both the Assad regime in Syria and the Saddam's regime in Iraq relied on tribal and sectarian powerbases to maintain their control of the state.⁵⁵² Beneath the RCC was the branch (*far'*)—Iraq had twenty-one branches (usually allotted based on the country's provinces), which required the presence of a minimum of two sections. A section (*shu'ba*) consisted of a minimum

⁵⁵² Interestingly, both regimes were sustained by a ruling minority—the Alawites, in Syria and the Sunni-Arabs in Iraq. In terms of sectarian affiliation, the demographics were reversed. The Alawites are a Shi'i minority in Syria ruling over a Sunni-Arab majority whereas under Saddam Hussein's reign, the minority Sunni-Arabs dominated over a majority Shi'i Arab population.

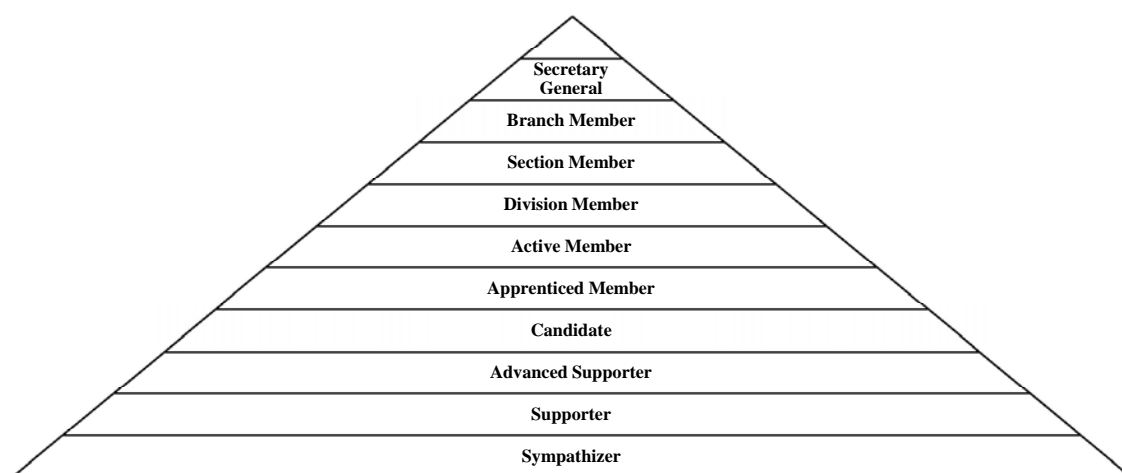
of two divisions (*firqa*) and each division consisted of a minimum of two and maximum of seven cells (*khaliya or halqa*).⁵⁵³ The cell level was arguably the most important for diffusing the party's "ideological militants" through its popular organization, which enabled the party to mobilize mass support and penetrate towns, villages, factories, army units and government offices in order to implement Ba'thist policy as a form of political control.⁵⁵⁴ As reflected in Index B in the Appendix, the party and regime heavily centralized all state departments and social, economic, and educational organizations under its command.

Membership in the party carried a similar multi-level hierarchical structure based on ideological adherence and material support as illustrated in Figure 12 below:

Figure 12: B'ath Party Membership Hierarchy

⁵⁵³ Helms, 85.

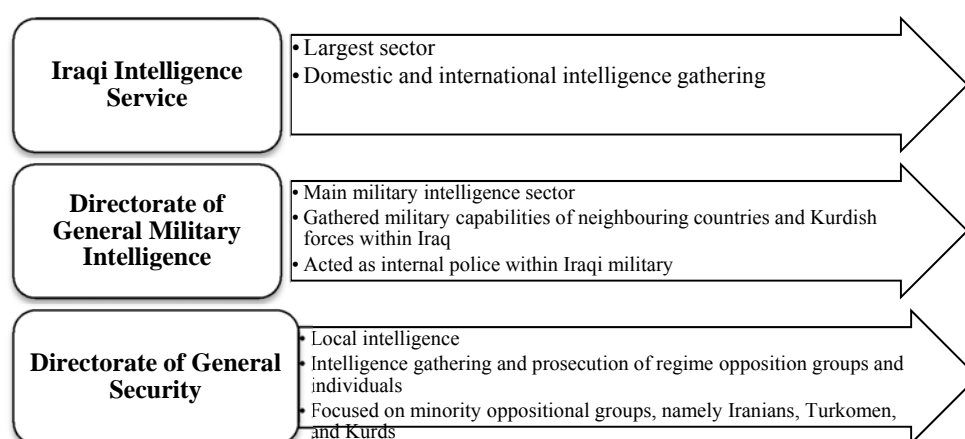
⁵⁵⁴ Raymond A. Hinnebusch, "Political Parties in the Arab State: Libya, Syria, Egypt," in *Beyond Coercion* (London: Croom Helm, 1988), 48-9.



Source: Adapted from Joseph Sassoon, *Saddam Hussein's B'ath Party* (New York: Cambridge University Press, 2012), 46.

The regional command council was later replaced by the Revolutionary Command Council (RCC), which became the primarily executive and governing institution in the country until 2003 during which Iraq was effectively governed by decree. Sustaining the regime's grip on power were Iraq's multilayered intelligence sectors—namely, the Iraqi Intelligence Service, the Directorate of General Military Intelligence and the Directorate of General Security maintained and penetrate all aspects of society in order to sustain the regime's grip on power as demonstrated below:

Figure 13: Iraq's Intelligence Institutions



Source: U.S. Iraq Survey Group Comprehensive Report, *Regime Strategic Intent*, Vol. 1 (30 September 2004), 73, 83.

As demonstrated in Figure 14 below, the Special Security Organization of the Revolutionary Command Council was a key institution that facilitated and operationalized the regime and party's rigid control of society and purged dissidents.

Figure 14: Structure of the Special Security Organization (SSO)



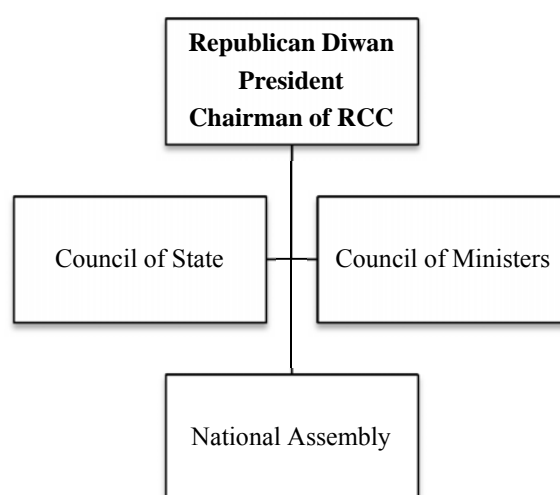
Source: U.S. Iraq Survey Group Comprehensive Report, *Regime Strategic Intent*, Vol. 1, 30 September 2004, 89.

Outlining the institutional structure of the regime illuminates the causal pathway by which the party and the regime devised institutional barriers that fostered exclusion through authoritarian means to minimize ethnic group mobilization against the state. Contradicting

B'athist pan-Arab secular ideology, Saddam's reliance on his patronage and clan network, which was primarily Sunni-Arab and Tikriti catapulted that minority to key governing institutions as a strategy for cementing his powerbase and consolidating his rule.

The regime was structured around this party hierarchy in a highly centralized and muddled institutional arrangement. In reviewing the 1990 interim constitution, we find that the executive branch led by the president exercised unlimited powers in administering the state as noted in Figure 15:

Figure 15: Structure of the B'ath Regime in Iraq



Source: 1990 Interim Constitution, Section Four, Chapter One on Institutions of the Republic of Iraq.

The executive branch of government consisted of the president (also the chairman of the RCC), who was elected to head the RCC for a renewable eight-year term by a direct public ballot, and ruled by decree that overruled the legislative decisions of the elected members of government.⁵⁵⁵ The second most critical branches of the executive were the council of

⁵⁵⁵ The President took the following oath: "I swear by God Almighty, and by my honour and belief, to preserve the independence and safety of Iraq and the unity of its lands, to preserve the Republic regime, to

ministers (*al-majlis al-wizara*) and the prime minister who implemented the president's policies, drafted the state's budget, and executed presidential decrees. Likewise, the consultative council (*al-majlis al-shura*)—comprised of fifty members, twenty-five appointed by the President and twenty-five elected by a direct secret public ballot, consulted the president on matters relating to the political, social, economic, and cultural affairs of the country.⁵⁵⁶ The National Council/Assembly (*al-majlis al-watani*) was formally the legislative branch of government consisting of 250 publically elected members for a term not exceeding four years. The first election of the National Council took place in June 1980 following failed promises to hold an election since the Ba'athist takeover in 1968.

The elimination of accommodative governance and the maturation of Ba'athist single party rule were calculated attempts by the “political elite to organize and to legitimate rule by one social force over another in a deeply fragmented society.”⁵⁵⁷ In a fragmented society, this bifurcation was principally along ethnic and religious lines that made the imposition of a monolithic ideology necessary in order to control, legitimize, and organize society.⁵⁵⁸ The dominance of Sunni-Arabs replicated the pattern of ethnic domination from the monarchical period. The power of Saddam's Tikriti tribal networks

abide by the principles of the Great 17-30 July Revolution, the constitution, and law, and I shall safeguard the interests of its people, and shall endeavour to protect the people's dignity, pride, happiness, and achieve the objectives of the Arab Nation, in unity, freedom, and socialism.” Source: 1990 Draft Constitution. Author's translation.

⁵⁵⁶ 1990 Interim Constitution, Articles 81-151 on Political Institutions of the state.

⁵⁵⁷ Samuel P. Huntington, “Social and Institutional Dynamics of One-Party Systems,” in *Authoritarian Politics in Modern Society* (New York: Basic Books, 1970), 11.

⁵⁵⁸ The ubiquitous role of Ba'athist ideology in the party's takeover in 1968 is explained in the Party's 8th Regional Congress January 1974, pp. 51-53.

is summed by Batatu in noting “Their [the Tikritis] role continues to be so critical that it would not be going too far to say that the Tikritis rule through the Ba‘th party, rather than the Ba‘th party through the Tikritis.”⁵⁵⁹ For Saddam, neo-tribalism constituted a social structure and political entity that guaranteed regime loyalty.⁵⁶⁰ While the revolution that resulted in the collapse of the monarchy in 1958 produced nuanced forms of political contestation, we nevertheless observe a path dependency that reproduced Sunni-Arab control of the state since the time of state formation until state collapse in 2003. Thus, while the state in 1968 experienced institutional transformation to accommodate an emerging regime, elites replicated preceding patterns of ethnic re-dominance infused with the ideological and organizational apparatuses of single-party Ba‘thist rule defined by an exclusionary ideology as an impetus for managing Iraq as a divided society. Most notably, Saddam’s reliance on tribal networks led to the ethnification and politicization of Sunni-Arab tribal dominance, which altered and coagulated people’s perceptions of who owned the state and powerbase.⁵⁶¹ Consequently, the calculated selection of segments of the population shaped the type of regime that emerged, the selection of incumbents, and their incorporation in the political arena.⁵⁶²

⁵⁵⁹ Batatu, 1088.

⁵⁶⁰ NDU, CRRC, SH-MISC-D-000-327, “Importance of Clans and Security,” 1994-1995 (approximate date).

⁵⁶¹ At the height of his regime consolidation in the early 1980s, Saddam Hussein relied on his tribal alliances to sustain his position as exemplified by the recruitment of some 50,000 young men from Tikrit (his home town) to serve as his personal guards, including the Republican and Special Republican Guards. See Amatzia Baram, “Neo-Tribalism in Iraq: Saddam Hussein’s Tribal Policies 1991-1996,” *International Journal of Middle East Studies* 29.1 (February 1997): 5.

⁵⁶² Oliver Schlumberger, “Arab Authoritarianism: Debating the Dynamics and Durability of Nondemocratic Regimes,” in *Debating Arab Authoritarianism* (Stanford: Stanford University Press, 2007), 14.

Regime Consolidation, Exclusion, and Ethnic Mobilization

Controlling a Divided Society

As noted, the entrenchment of the party, its ideology, the armed forces and security apparatuses as mechanisms of control particularly since 1979 sustained the regime's institutional grip on power. The regime went to great lengths to use institutions to proscribe, among other things, ethnic mobilization. Multiple factors determined Saddam's initial totalitarian structuring of the state. Both the RCC (*majlis qiyadat al-thawra*) and its highest court, the Revolutionary Court (*mahkamat al-thawra*) became the country's highest and most authoritative institutions until the collapse of the regime in 2003.⁵⁶³ Furthermore, the degree of state penetration in society through its coercive apparatuses and its inclination toward war-making to quell dissidence coalesced the regime's grip on power.⁵⁶⁴ A shift in the country's political, social, and economic institutional transformation aids in demonstrating how the state dealt with its divided society.

An examination of the country's 1990 draft constitution (the last constitutional document prior to regime collapse), demonstrates the permeation of the executive power of the RCC in all branches and institutions of government. First, as stipulated under Article 152 (3), all members of the executive branches of government, including the vice president, council of state members, national council members, and those elected in the position of prime minister and his deputies or ministers must adhere to pan-Arabism and

⁵⁶³ Orfa Bengio, *Saddam's Word* (New York: Oxford University Press, 1998), 26.

⁵⁶⁴ Isam al-Khafaji, "War as a Vehicle for the Rise and Demise of a State-Controlled Society: the Case of Ba'thist Iraq," in *War, Institutions, and Social Change in the Middle East*, ed., Steven Heydemann (Berkeley: California University Press, 2000), 259.

socialism and the objectives of the July 17th revolution. Second, real legislative, executive, and judicial power (all members of the judiciary were appointed by Saddam) lay in the RCC and its control of parliament and the state's governing institutions.⁵⁶⁵ Articles 117 and 130 allowed the president to dissolve all branches of government without due cause. Third, Article 172 proscribed amendments to the constitution that might challenge the unity of Iraq, its republican regime, its Arab origin, the official religion of the state (being Islam), and national holidays (which were primarily cantered around the Ba'thist revolution and takeover). Likewise, Article 170 gave the president the absolute authority to amend and change any laws in the constitution without a constitutional referendum. Lastly, the institutionalization of party membership in the governing councils and the armed forces as articulated in Article 59 secured the regime's survival as the only contending force in the country. This was succinctly reflected in the 9th Regional Congress requiring chosen leaders be party members as they are "better qualified in terms of struggle and absolute faith in principles and people...the candidate's desire to work meticulously to put into practice the Party's principles from his own position in the Party, State and Society."⁵⁶⁶ For Saddam, this ensured that the candidates were capable of paving "the Baathist way."⁵⁶⁷ Thus, the importance of Ba'thist ideology and its permeation in the armed forces and key governing institutions typified the totalitarian-penetration model characterized by a highly centralized state under single party rule.⁵⁶⁸

⁵⁶⁵ Amatzia Baram, "The June 1980 Elections to the National Assembly in Iraq: an Experiment in Controlled Democracy," *Orient* 22.3 (September 1981): 391.

⁵⁶⁶ The Central Report of the Ninth Regional Congress of the Baath Party, June 1982.

⁵⁶⁷ The Central Report of the Ninth Regional Congress of the Baath Party, June 1982.

⁵⁶⁸ Ibrahim al-Marashi and Sammy Salama, *Iraq's Armed Forces: an Analytical History* (New York: Routledge, 2008), 108.

The institutional transformation of the state following the Ba’thist takeover of 1968 effectively encapsulated society within the confines of the regime and the party. As demonstrated in Index B, the regime sustained grip on power rested largely with the institutional reconfiguration of the state to serve its ideological, political, and economic goals. During the second institutional transformation following the consolidation of Ba’thist rule during 1968-1984, we see a pattern of governance reflective of a totalitarian absorption of all aspects of society within the confines of the state. Likewise, the transformation of the country’s legal code and system to reflect the findings of the 8th and 9th Regional Congresses demonstrated by the Ministry of Justice’s legal reform of 1979, was purposive of infusing and institutionalizing Ba’thist ideology “which is leading the Revolutionary Power, basing itself to a nationalist socialist and democratic theory...in carrying out a decisive and comprehensive change in the previous legislations and building up a modern State of Revolutionary Authority which endeavors to establish a harmonized socialist Society.”⁵⁶⁹ The level of party entrenchment defined the restructuring of the state to accommodate the party’s exclusionary ideology through the creation of institutional barriers to subvert oppositional forces.

The presidential *diwan* (bureau of the RCC) and its administrative arm, the Secretariat and Consultative Office of the Council the RCC, became the most powerful and dominant policy-making institutions of the state. The creation of the National Council in 1971 with members appointed and administered by the RCC expanded executive powers and ensured uniformity in decision making. Similarly, the Office of Legal Affairs

⁵⁶⁹ Ministry of Justice, “Legal System Reform Law” 1977, pp. 6.

of the RCC was created in 1972 with a mandate to ensure the compatibility of Iraq's legal system with the aims of the revolution and Ba'thist ideology. Although the B'ath party held its first election in 1980, the National Assembly Law which outlined the electoral procedures stipulated that candidates must be supporters of the July 17 Revolution and the party, and must have the approval of the Ministry of Interior.⁵⁷⁰ Although the revolutions of 1958, 1963, and 1968 all shifted the country's institutional landscape, the continued amendment of the 1958 Purge Law until the collapse of the state in 2003 enabled the incumbent ruling elite to maintain their grip on power through institutional layering.

The social and economic transformation of the state also reflected the regime's highly centralized rule. Although the dependence on oil as the primary income-generating commodity was solidified in 1950s⁵⁷¹, the Ba'thist consolidation of the rentier state sustained the regime's survival particularly with the establishment of the Iraqi National Oil Company (IPC) in 1968. Laws and regulations were promulgated to reflect the regime's saturation in the economic sector. This is exemplified by Regulation 47 of 1972 and Law 89 of 1978 for the National Development Plan both of which institutionalized an economic system and policy based on socialist principles of economic centralization.⁵⁷² The reorientation of the country's economic sector along socialist and highly centralized lines was a policy priority of Ba'thist ideology as delineated in both the 8th and 9th Regional Congresses. Socialization of the economic sector rose to 88 percent in 1977, up

⁵⁷⁰ Al-Waqai al-Iraqiya, "Law No. 55-the National Assembly," 1981.

⁵⁷¹ Marr (2012), 68-9.

⁵⁷² See also Tariq 'Aziz, *The Revolution of the New Way*, (1977); Saddam Hussein, "On Writing History," *On History, Heritage and Religion* (Baghdad: Translation & Foreign Languages Publishing House, 1981); and *Hizb al-B'ath al-'Arabi al-Ishtiraqi* (The Arab Socialist Ba'th Party), (Beirut, 1973), pp. 10.

from 31 percent in 1968, less than a decade prior.⁵⁷³ Thus, nationalization of the means of production in accordance with Ba‘thist socialist principles encapsulated the economic sector and sustained the regime’s survival.

On a societal level, the regime and the party sought to penetrate all aspects of society by absorbing educational and civil society organizations within the state. Ba‘thist state penetration extended to elementary and higher education. In the case of the former, Regulation 11 for the administration of Kindergarten of 1979 mandated the indoctrination of elementary school students with Ba‘thist principles and the Party’s objectives in order to “cultivate the spirit of the revolution and homeland inside the children.”⁵⁷⁴ Similarly, almost all institutions of higher learning were established and administered by the state through the Supreme Council for Universities, established in 1969. The permeation and institutionalization of Ba‘thist ideology reached its zenith in the 1980s and 1990s and became imbued in Saddam’s personality cult as exemplified by the formation of *jil Saddam* (Saddam’s generation) as an informal network that sought to ensure the party’s influence in almost all spheres of existence, but most importantly, the youth.⁵⁷⁵ As outlined in Index C, all trade and professional unions, including the Student Union of 1968, Sports Union of 1971, the Federation for Iraqi Women of 1974, Teacher’s Union of 1980, and the General Federation of Literates and Writers in Iraq of 1983 were all created by the regime under orders from the RCC to co-opt, control, and subvert civic engagement.

⁵⁷³ Marr (2012), 160.

⁵⁷⁴ Al-Waqai al-Iraqiya, “Regulation No. 11 for Kindergarten,” 1979.

⁵⁷⁵ Sassoon (2012), 9.

Likewise, the Ministry of Labour and Social Affairs of 1980 was tasked with implementing Ba‘thist policies within the socio-economic sectors.⁵⁷⁶

Similarly, the suppression of freedom of speech and association severely hampered civil society. Law No. 45 of 1971 issued by the RCC created the Office of Propaganda and Advertisement administered by the Ministry of Information for the purpose of disseminating state-sanctioned propaganda and advertisements through newspapers, television, cinema, wall plasters, and handbooks. In 1983 the RCC created the Ministry of Culture and Information mandated to promote Ba‘thist ideology in order to “deepen and emphasize the ideology and principles of the Arab Ba‘th Socialist Party in Iraq and the Arab Homeland.”⁵⁷⁷ The regime also instituted measures to censor freedom of the press. Law No. 64 of 1974 pertaining to the censorship of classified materials and films was implemented to specifically control and prohibit materials that propagated atheism, sectarianism, alcoholism, gambling, crime, and perceived threats to state security. In addition, the Department of Censorship in 1984 became the regime’s mechanism for monitoring and censoring the press. A key method by which Saddam was able to maintain this level of coercion and cooperation at the institutional level was through a tightly controlled system of patronage and payments made to military officers and civil society elites throughout the country to ensure loyalty.⁵⁷⁸

⁵⁷⁶ NDU, CRRC, Saddam Hussein Collection, SH-RVCC-D-000-505_TF_“Academy of Labor Education, Legislation No. 9,” 1987.

⁵⁷⁷ Iraq Gazette, “Regulation No. 94-Ministry of Culture and Information,” 1983.

⁵⁷⁸ NDU, CRRC, “Saddam Hussein Collection, SH-MISC-D-000-143, “A log of high ranking Iraqi officials and military officers receiving monetary awards granted by Saddam Hussein.” (Date unknown). This is also well documented in Sassoon (2012),

Moreover, discursive language propagated during Saddam's rule provided the ascriptive basis for how the regime responded to what it perceived to be conflicting ethnic and religious identities by assigning various references to groups perceived to be against the regime and Ba'athist ideology. Words like *sh'ubiyyan* (anti-Arabism or against Arab-unity in reference to ethnic and religious groups), *ta'ifiyya* and *Ja'fariyah* (sectarianism, most notably in reference to the Shi'i community), and *iqlimiyya* (regionalism) in reference to anti-regionalism, or in Ba'athist terms, those who opposed regional Arab unity as espoused by Ba'athist ideology were used to label perceived enemies of the state and regime.⁵⁷⁹ In fact, the regime went to great lengths to proscribe these attachments in order to deter groups from ascribing to them. This is reflected in Article 22 (2) of the 1990 constitution, which made specific references to all three words noting that "society shall aspire to foster higher social harmony and values by preventing the promotion of sectarian, racist, regional, or anti-Arabian sentiments."⁵⁸⁰ Saddam often mediated the issue of sectarianism in his recorded discussions with his high-ranking officers as part of a test of psychological and intellectual capacity. In one conversation about sectarianism, Saddam declares that if a sectarian affiliation is fanatic it is not created based on a tangible historic, economic or social basis, but rather exists at the expense of loyalty that strengthens and unifies the nation and its people.⁵⁸¹

While acknowledging the existence of communal attributes, intolerance had to be prevented as it would "reject the relationship with Arab nationalism; therefore, when it

⁵⁷⁹ Bengio, 98-106.

⁵⁸⁰ 1990 Interim Constitution, author's translation.

⁵⁸¹ NDU, CRRC, Transcription of Recording, "Conversation about Sectarianism" SH-SHTP-A-001-323_TF, (Date unknown).

rejects the relationship or the common allegiance, which is one people, under one roof of one nation...it only comes at the expense of the general allegiance.”⁵⁸² The vilification of the other through institutional and ideological tools justified the regime’s treatment of groups perceived to be lacking loyalty, unity, and allegiance to the regime and the state. The diffusion and permeation of Ba’thist institutions in society particularly during the formative decade following their takeover in 1968 demonstrates the totalitarian reconfiguration of the state and its governing trajectory in creating and structuring state-society relations.

Sustaining the country’s shift toward totalitarian rule was Saddam’s cult of personality. Forms of cultural totalitarianism abound where schools and literary intellectuals became instruments of regime propaganda.⁵⁸³ By the 1980s, the Iraqi state became meshed with Saddam Hussein’s personalistic rule, as captured by the following song for children:

We are Iraq and its name is Saddam;
We are love and its name is Saddam;
We are a people and its name is Saddam;
We are the B’ath and its name is Saddam.⁵⁸⁴

This level of state penetration produced institutions that sustained Saddam’s autocratic single-party, as exemplified by RCC Decree 840 that imposed a life imprisonment sentence, the confiscation of property, and possibly the death penalty for anyone insulting the president, his deputy, the RCC, the Ba’th Party, or members of the National

⁵⁸²Ibid.

⁵⁸³ Fatima Mohsen, “Cultural Totalitarianism,” in *Iraq Since the Gulf War* (London: Zed Books, 1994), 13-16.

⁵⁸⁴ Written by Iraqi poet Ghazay Dir’ al-Ta’l, quoted in Bengio (1998), 78.

Assembly.⁵⁸⁵ The limitations imposed on candidate eligibility—including believing in the Ba’thist revolution and cause, which excluded communists, Shi’is, Kurds, Assyrians and other minority groups who were active opponents of the regime, institutionalized these structural barriers and prevented the incorporation of the country’s ethnic segments within the political process.⁵⁸⁶ Successive elections became a façade of regime and party domination in state and society. In 1995, elections were held where Saddam, as the sole candidate for the presidency, won 99.96 percent of the more than 8 million votes, which was hailed as an “immortal day in the history of Arabism and Islam.”⁵⁸⁷ Similarly, Saddam, again the sole candidate, won 100 percent of an estimated 11 million votes cast in a 2002 referendum on extending his rule for another seven years.⁵⁸⁸

These institutional constraints became the mechanisms by which the regime determined the boundaries of inclusion and exclusion from the state. Ethnic groups who fell in the latter category were excluded from the decisions making arenas and were placed in less influential bureaucratic posts. Thus, while it is true that membership in the B’ath party included many Shi’is, Kurds, Assyrians and other minority groups, high decision-making posts, top security organizations, and upper echelons of the officer corps remained overwhelmingly staffed with Sunni-Arabs from Saddam’s Tikriti tribal base who constituted Saddam’s “community of trust.”⁵⁸⁹ In fact seven out of seventeen members of the RCC belonged to Saddam’s Albu Nasir tribe by 1998, which made the regime grossly

⁵⁸⁵ NDU, CRRC, SH-PDWN-D-000-590, “Decree No. 840,” November 14 1986.

⁵⁸⁶ Baram (1981): 395-96.

⁵⁸⁷ Times, “No Surprise in Iraqi Vote,” 17 October 1995.

⁵⁸⁸ BBC, “Saddam wins 100% of vote,” 16 October 2002.

⁵⁸⁹ Al-Marashi and Salama (2008), 144-45.

unrepresentative of the country's ethnic and religious majority and minority groups as well as its urban middle class.⁵⁹⁰ As noted by Saouli, the Baathification and Tikritization of Iraq under Saddam Hussein delegitimized the state, alienated Sunni-Arab regime contenders, and galvanized and deepened Sunni-Shi'i and Arab-Kurdish animosities.⁵⁹¹ As will be demonstrated in the proceeding chapter, the toppling of the state in 2003 and the loss of the Sunni-Arab powerbase would come to pose critical challenges for statebuilding in post-Saddam Iraq. However, in keeping with the present analysis, the section below explores ethnic responses to institutional constraints under the Ba'athist era.

Ethnic Responses to the Ba'athist State

Ascertaining and contextualizing ethnic responses to the state requires an exploration of resistance and contestation vis-à-vis state-regime relations. Thus, rather than exploring how the “fragments imagine the nation”, the analysis here examines how and why fragments contested and resisted the nation. I argue that as the state became more totalitarian in its configuration during the first fifteen years of the initial Ba'athist takeover, particularly in its capacity to penetrate society, the more ethnic and religious groups resisted the state. I posit that although ethnic conflict in Iraq during this time period was a form of group-state conflict, inter-ethnic rivalries were directed against what excluded groups saw as a Sunni-Arab state and regime tied closely to Saddam's tribal base and its monopolization of power and institutions.⁵⁹² Exclusion and growing authoritarianism,

⁵⁹⁰ Marr (2012), 241-42.

⁵⁹¹ Adham Saouli, “Back to the Future: Arab uprisings and state (re)formation in the Arab World,” *Democratization* 22.2 (March 2015): 322.

⁵⁹² Stefan Wolff, *Ethnic Conflict: a Global Perspective* (Oxford: Oxford University Press, 2006), 94.

deep centralization and permeation of Ba‘thist ideology, the reliance on a Sunni-Arab tribal powerbase, and the suppression of pluralism generated divergent responses from Iraq’s ethnic communities and political dissidents.

Although symbolic efforts were made by Bakr and Hussein to placate dissident from Kurdish and communist political entities and all “progressive and nationalist elements...and all forces in the struggle for liberation, democracy,”⁵⁹³ in a political manifesto entitled *The National Action Charter*, their disinclination to share power with opposition groups resulted in their failure to consolidate an increasingly divided political arena.⁵⁹⁴ Thus, political parties emerged as a response to the state’s repressive and exclusionary governing tactics and the domination of Sunni-Arabs within the upper echelons of the regime. Although Saddam prohibited the formation of political parties along ethnic or religious lines by the late 1980s⁵⁹⁵ in order to “suppress political difference and to subordinate every sphere of life to its control,”⁵⁹⁶ almost all of Iraq’s ethnic and religious groups had formed oppositional political parties that operated underground in response to the regime and the state.

Table 7: Prominent Opposition Political Parties under the Ba‘th

Party	Year Formed	Ethnic Affiliation
Iraqi Communist Party	1934	Multi-ethnic
Kurdistan Democratic Party	1946 (approximate)	Kurdish
Al-Da’wa (Islamic Call) Party	1958	Shi’i Arab

⁵⁹³ Iraq Ministry of Information, *The National Action Charter and the Rules of Action of the Progressive National and Nationalist Front* (Baghdad: Al-Huriyah Printing House, 1974), 14. The Charter also outlined the blueprint for centralizing Iraq’s economy along socialist lines.

⁵⁹⁴ Dawisha (2009), 228.

⁵⁹⁵ NDU, CRRC, SH-IISX-D-000-360, “Methods for Defeating Opposition Parties Inside and Outside of Iraq,” 2001.

⁵⁹⁶ Kamil Abdullah, “Saddam as a Hero,” *Iraq Since the Gulf War* (London: Zed Books, 1994), 58.

Bet-Nahrain Democratic Party (BNDP)	1974	Assyrian
Patriotic Union of Kurdistan	1975	Kurdish
Assyrian Democratic Movement	1979	Assyrian
Islamic Supreme Council of Iraq (ISCI)	1982	Shi'i Arab
Islamic Union of Iraqi Turkmen	1991	Shi'i Iraqi Turkmen
Iraqi Turkmen Front	1995	Iraqi Turkmen
Yazidi Movement for Reform and Progress	Unknown	Yazidi
Shaback Democratic Party	Unknown	Shaback

The regime's Arabization campaigns through forced urbanization, displacement, assimilation, and demographic manipulation resulted in the ethnic cleansing of contested groups, including Kurds, Assyrians, Turkmen and Yazidis in an effort to both homogenize and control contested territories.⁵⁹⁷ Thus, the imposition of these institutionalized constraints coupled with the regime's failure to consolidate and reconcile divergent interests bolstered the efforts of opposition groups against the regime. Saddam's failure to integrate group-based demands and govern inclusively was justified on various grounds. For Saddam and the RCC, opposition parties were formed on the basis of personal, economic, political, or social reasons, with a key common denominator: their cooptation by foreign intelligence groups who sought to destroy the Ba'athist state and regime.⁵⁹⁸

Shi'i grievances, as under the monarchical era, related to their exclusion from key governing institutions and their lack of integration with the Sunnis in order to equalize or

⁵⁹⁷ This policy had devastating effects on Iraqi Arabs who were uprooted and forced to resettle in other cities and regions. See Human Rights Watch, *Iraq's Crime of Genocide: the Anfal Campaign Against the Kurds* (Chelsea: Yale University Press, 1995); David Romano, "Whose House is this Anyway? IDP and Refugee Return in Post-Saddam Iraq," *Refugee Studies* 18.4 (December 2005); John Fawcett and Victor Tanner, "The Internally Displaced People of Iraq," Brookings Institution-SAIS Project on Internal Displacement (October 2002); The International Federation for Human Rights, *Iraq: Continuous and Silent Ethnic Cleansing Displaced Persons in Iraqi Kurdistan and Iraqi Refugees in Iran* (January 2003); Human Rights Without Frontiers, *The ChaldoAssyrian Community in Today's Iraq: Opportunities and Challenges* (November 2003).

⁵⁹⁸ CRRC, SH-IISX-D-000-360.

bolster their influence in the state's bureaucracy.⁵⁹⁹ Although the Shi'i community did not constitute a monolithic group, as it encompassed both religious and secular elements and movements, the regime nevertheless targeted the community on both fronts. Moreover, unlike the Kurds, Iraqi Shi'is, beyond seeking greater political integration and power sharing, had maintained strong ties with Iraq and had made no territorial demands for autonomy and devolution from the Iraqi state. Shi'i resistance was manifested through three channels: the Hawza (the highest Shi'i religious seminary in Iraq), the more politically oriented al-Dawa (Islamic Call) party which emerged in the late 1950s, and the Islamic Supreme Council of Iraq (SIIC) formed in 1982, both of which became key contending forces against the regime. In addition to the formation of political parties, Iraqi Shi'is also resorted to public demonstrations such as the Safar *intifada* (insurrection) of 1977 where an estimated 30,000 Shi'is participated in an anti-government rally. The politicization of Shi'i grievances and the increasingly active role of the Shi'i *ulema* coincided with the consolidation of Ba'thist power in the 1970s, particularly following Saddam's takeover, the regime's targeting of Shi'i religious figures, and their exclusion from the state.⁶⁰⁰ The decline of Shi'i power and policymaking influence in Iraq was reflected in their lack of representation in the supreme organ of the Ba'th Party, the RCC in the lead up to Saddam's accession to power in 1979. The extent of the regime's antagonism toward the Shi'i community and increasing sectarianism was also reflected in

⁵⁹⁹ Nakash, 138.

⁶⁰⁰ Chibli Mallat, "Religious Militancy in Contemporary Iraq: Muhammad Baqer as-Sadr and the Sunni-Shia Paradigm," *Third World Quarterly* 10.2 (April 1988): 724.

the prohibition of the use of Shi'i family names by 1976 in order to conceal an individual's sectarian affiliation.⁶⁰¹

In the case of the Hawza, the institution and its leadership under Grand Ayatullah al-Khoei was targeted for by the regime for its "phobia of Shi'a annual, religious rituals and the large gatherings associated with them."⁶⁰² The regime also infiltrated and coopted members of the Shi'i *ulema*. For the Dawa, the regime vilified the party as an instrument of colonial powers and Iran for the purposes of instigating sectarianism in the country.⁶⁰³ The party's grievances were predicated on Shi'i marginalization from the political process and governing institutions, the growing influence of the Communist Party, the imposition of a secular ideology by the B'ath to mitigate Shi'i/sectarian revival, and discrimination.⁶⁰⁴ Its clandestine operations resulted in the suppression and execution of both its key leader and political activist, Muhammad Baqir al-Sadr and his sister, *Bint al-Huda* in 1980 (al-Sadr was forced to watch his sister being tortured and then executed prior to his execution),⁶⁰⁵ along with 44 of its members in 1983 for "committing acts of sabotage, service with the Persians, who are in league with the Zionists, crimes against Arabs, against humanity, and against Islam."⁶⁰⁶ The regime also expelled tens of thousands of Iraqi Shi'is many whom were deported to the Iraq-Iran border and put into

⁶⁰¹ Mallat (1988): 725.

⁶⁰² Abbas Kadhim, *The Hawza Under Siege*, IISBU Occasional Paper, (June 2013), 17.

⁶⁰³ CRRC, SH-GMID-D-000-622, "Study of al-Da'wa Party," 1994.

⁶⁰⁴ Tripp, 216.

⁶⁰⁵ Augustus R. Norton, *Hezbollah: a Short History* (Princeton: Princeton University Press, 2009), 30.

⁶⁰⁶ CRRC, SH-MISC-D-000-310, "Execution of Da'wa Party Members," 13 June 1983. NOTE: I have decided to omit all listed biographic data and have assigned a numerical figure to the number of people executed.

exile.⁶⁰⁷ Summary executions, the targeting of religious leaders, and the regime's interference and infiltration of Shi'i religious institutions would continue into the 1990s, with the assassination of Muhammad Baqir al-Sadr's cousin, Muhammad Sadeq al-Sadr in 1999 along with the disappearance of over 100 clerics since the 1991 uprisings.⁶⁰⁸ While true that they constituted the majority of the rank and file of Iraq's infantry,⁶⁰⁹ the Iran-Iraq war exacerbated tensions between the Sunni-dominated B'ath and the country's majority Shi'i due to the latter's perceived alliance with their co-religionists in Iran.⁶¹⁰ These grievances are particularly important as they provide the context by which Shi'i leaders have negotiated and dictated their governing and state-building policies in post-2003 Iraq.

For Iraq's second-largest ethnic group, the institutional constraints imposed on the Kurds stemmed not so much from their absence but their implementation. Unlike the Shi'is and other small ethnic minorities in Iraq, the Kurds have always sought autonomy within territories where they constitute a majority. While various political and territorial concessions were made during the Ba'thist era as solutions for incorporating and addressing Kurdish grievances, various factors led to their lack of implementation, including increasing Kurdish demands, mistrust between the central government and various Kurdish factions, intra-Kurdish conflicts between the two dominant parties and tribal affiliations, and the unwillingness of the regime to implement tangible measures.

⁶⁰⁷ Dawisha (2009), 222.

⁶⁰⁸ U.N. Fifty-fifth Session of the Commission on Human Rights, "Statement of Mr. Max Van Der Stoel, Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Iraq," March 22-April 30 1999.

⁶⁰⁹ Nakash, 138; Davis, 277.

⁶¹⁰ SH-IISX-D-000-360, see also Saouli (2012), 121-22.

Thus, the consolidation of Kurdish oppositional political parties and their armed resistance against the state through their highly trained militia, the *peshmerga* (Kurdish meaning those who face death), led to various revolts and uprisings, including in 1961, 1965, 1972, 1974, and 1991. Unlike the Shi'i, the regime attempted to recognize and create institutional solutions for the Kurds, including their recognition in successive constitutional documents in Iraq alongside the Arabs. However, more often than not, these symbolic concessions rarely materialized into tangible policy outcomes.

Thus, various factors dictated the central government's reaction against what the regime perceived to be a perennial enemy. These included the Kurdish armed struggle in Iraqi Kurdistan, a deterioration of the security situation in the northern provinces and heightened fears during the Iran-Iraq war fuelled by the KDP's material and intelligence support for Iranian forces throughout the 1980s, Iran's support in establishing Kurdish autonomy in the northern provinces, and intra-Kurdish political rivalry between the KDP and PUK.⁶¹¹ By 1987, Saddam had appointed his cousin, 'Ali Hasan al-Majid (the notorious 'Chemical Ali'), with great powers and autonomy in dealing with Kurdish insurrections. For the aforementioned reasons, 'Ali began an obstinate campaign known as the *al-Anfal* (the spoils of war) culminating in the use of chemical weapons to contain political dissidents living in the northern region. Suspects belonging to guerrilla organizations, primarily Kurds were executed, scorched earth policy was used to uproot thousands of Kurds other ethnic minorities residing in the northern region, including attacks on Assyrian villages along the northern borders where an estimated thirty-one

⁶¹¹ For the most succinct analysis, see Tripp, 243-44.

Assyrian villages and twenty-five churches and monasteries were destroyed between 1987-1988.⁶¹² By 1988 the campaign led to the full use of chemical weapons especially on the Kurdish town of Halabja, which resulted in the death of an estimated 4,000 Kurds, many of which were women and children.⁶¹³ Although Kurdish resistance had been severely curtailed as a result of the regime's violent suppression, the Kurds would mobilize support and coordinate another uprising in 1991 along with the Shi'is.

For the aforementioned reasons, and in taking advantage of the weakening in the state's security sector and failed promises of American and foreign support, Shi'is and Kurds led an uncoordinated insurrection (*intifada*) that erupted in 16 out of Iraq's 18 provinces against the state between March-April 1991 following the First Gulf War. Although each community, including Sunni Arabs, had its own grievances against the state, the *intifada* coalesced the grievances of various ethnic, religious, and political opposition forces based on their suppression under the Ba'thist state. Economic, political, and human losses produced a demoralized security sector and populace who had undergone two major wars (Iran-Iraq 1980-1988 and the first Gulf War 1990), which also fuelled societal grievances with the state and regime.⁶¹⁴ The uprising was brutally suppressed as Saddam engaged in a massive military campaign across the country culminating in a violent suppression of Iraqis across all ethnic and religious groups. This produced divergent outcomes for different ethno-religious groups. For the Shi'i in the

⁶¹² Kanan Makiya, *Cruelty and Silence: War, Tyranny, Uprising, and the Arab World* (New York: W. W. Norton & Co, 1993), 219.

⁶¹³ Ibid, 244-45.

⁶¹⁴ Davis, 229.

south, the regime's brutal suppression resulted in an estimated 20,000-100,000 deaths, and many more disappearances. The regime also drained an economically and ecologically vital sector for the Shi'i of the south, the Iraqi marshes, to prevent guerrilla incursions, causing one of the most devastating ecological disasters of the century in the region.⁶¹⁵ Moreover, the government engaged in a methodical anti-Shi'i campaign with slogans that declared "No more Shi'a after today," that only fuelled sectarian and religious tensions until the toppling of the regime in 2003.⁶¹⁶ The outcome for the Kurds varied drastically. Whereas the Shi'i, who engaged in another uprising in 1999, which was violently suppressed, became increasingly persecuted and targeted by the regime for their 'transgression', the U.S. and its allies through U.N. Resolution 688 mandated the implementation of a no-fly zone beyond the 36th parallel that prevented further insurrections on the Kurds and other displaced populations by the Iraqi army. This effectively established a de-facto Kurdish autonomous region, or Iraqi Kurdistan, configured out of three the northern provinces of Erbil, Dohuk, and Sulaymaniya administered by its political arm, the Kurdistan Regional Government (KRG).

For Iraq's smaller ethnic and religious minorities who were never recognized in any constitutional documents, the institutional constraints imposed by the Ba'ath, including Arabization policies produced segmental cleavages resulting in their exclusion, marginalization, and discrimination. For the Assyrians, their resistance to the B'ath state stemmed from their exclusion, but, like Iraq's other non-Arab groups, also from the imposition of pan-Arabism, which only allowed Assyrians to identify as ethnically Arab

⁶¹⁵ Davis, 231.

⁶¹⁶ Ibid, 228.

or Kurdish Christians in official state documents. Although Resolution 440 of 1973 granted the community the rights to establish Assyrian or Syriac language schools, Law No. 78 of 1971 on the Assyrian Community of Iraq allowed the regime to administer the internal, religious, and educational affairs of the community. Likewise, Assyrian civic organizations, including the Assyrian Cultural Clubs of Kirkuk, Baghdad, and Basra, as well as the Assyrian Athletic Club of Baghdad, which aimed to promote cultural and linguistic rights, were heavily monitored and co-opted by the regime through spies.⁶¹⁷ Another form of resistance was the formation of the Assyrian Democratic Movement (ADM), an opposition political party in 1979 for the purpose of combating pan-Arabism (which obviated Assyrian ethnic and cultural rights) and to implement Assyrian administrative rights.⁶¹⁸ The party was heavily suppressed by the regime, resulting in mass arrests, torture, and the execution, by hanging, of three of its founding members.⁶¹⁹ The regime also ordered the removal of all civic clubs containing the name Assyrian in an attempt to homogenize and limit their civic engagement.

In the case of the Turkmen community, their resistance to the state also stemmed from the regime's Arabization policies and their exclusion and marginalization from the state's governing apparatuses. Located primarily in Kirkuk—a multi-ethnic and intensely disputed city, the Turkmen are considered ethnic Turks and speak a variation of Turkish. Throughout the 1980s and 1990s and at the height of Ba'thist Arabization policies, the

⁶¹⁷ Interview with an Assyrian Democratic Movement member, Ramsin Benjamin (July 2014), Toronto, Canada.

⁶¹⁸ Ibid.

⁶¹⁹ Interview, Ramsin Benjamin, (July 2014). Mr. Benjamin is ADM Member and Abu Ghraib survivor who was sentenced to 20 years in prison for his membership in the party in 1984.

RCC decree 1391 of 1981 forced Turkmen to settle in other cities and provinces and Turkmen neighbourhoods and homes were replaced with Arabs from other parts of Iraq.⁶²⁰ The population exchanges that took place in Kirkuk were purposive of limiting any one group from laying claim to the city. Civic organizations, such as the Turkmen Brotherhood Club of Kirkuk, were also heavily monitored by the regime, and although the B'ath granted the community rights to establish their own schools in 1970, this was abrogated one year later.⁶²¹ The level of state infiltration of ethnic civic society groups is captured by Dr. Jerjis's statement regarding the B'ath regime's treatment of the Turkmen community of Kirkuk:

Until 1980, the administrative committee of the Turkmen Brotherhood Club were determined by elections by the members of the Club who were calculated by thousands. In 1980, the government arrested the leaders of the club who were the leaders of Turkmen community and sentenced them to death. From 1980, the administrative committee of the club was appointed by government.⁶²²

Moreover, although the majority of Iraqi Turkmen are Sunni, Shi'i Turkmen who joined the al-Da'wa party along with their Shi'i Arabs co-religionists were imprisoned and executed in the 1980s, along with other Turkmen intellectuals and community leaders.⁶²³

For Iraq's smaller minority communities such as the Yazidis and Mandeans, the regime engaged in systematic cooptation and persecution of its members perceived to be against the regime and its ideology. In the case of the former, Arabization produced two outcomes. First, through the confiscation of Yazidi lands resulting in their forced removal

⁶²⁰ Iraqi Turkmen Human Rights Research Foundation, SOITM "The Turkmen of Iraq," (2006), 14.

⁶²¹ Interview, Dr. Sheth Jerjis, (March 2014).

⁶²² Ibid.

⁶²³ Ibid.

to heavily populated Arab areas and the loss of their agricultural lands and livelihoods. Two, the Yazidis, like Assyrians and Turkmen, were forced to also identify as Arab under the Ba'thist system, and parents were forced to assign Arab names to their children.⁶²⁴ The level of state penetration prohibited the Yazidis from forming civic or social organizations under the B'ath regime. Similarly, as a religious minority, the Mandaean community of Iraq experienced high levels of state penetration in Mandaean religious and civic institutions. Mandeans were prohibited from publicizing their religion, religious organizations were heavily infiltrated and monitored by the regime, and members who opposed the regime either through communist or independent channels were executed.⁶²⁵

Dr. Alroomi, a Mandaean survivor of the Ba'thist era recounts the following:

The few civil organisations that existed in the eighties and nineties were limited and restricted in function and have [sic] to be careful not to trespass the regime apparatus of tight control and monitoring. The fear and fright of persecution that was practiced by the regime made people too scared to defy the system and in a way it was self monitoring against any deviation from what was allowed at the time under the tight control and the brutality of the system. Any community or individuals who defy the regime would be brutally dealt with. Many young Mandaean [sic] individuals were killed and or executed or punished by imprisonment because of being political activists.⁶²⁶

High levels of state infiltration in civic, religious, and social life, combined with a deep state security monitoring system enabled the state to permeate and exert its control over Iraq's majority and minority groups.

Conclusion

⁶²⁴ Interview, Mr. Mirza Ismail of the Yazidi Human Rights Organization, (March 2014).

⁶²⁵ Interview, Dr. Layla Alroomi, Mandaean Human Rights Organization, (February 2014).

⁶²⁶ Ibid.

An institutional analysis of regime and state consolidation following the collapse of the monarchy and the birth of the republic reveals a pattern of path dependence resulting in the ethnic re-domination of the state by Sunni-Arabs through the Ba‘th party and regime. The imposition of a monolithic ethnic-based ideology, pan-Arabism as a strategy of ethnic dominance by Sunni Arabs and its institutionalization under the Ba‘thist state created constraints and equally opposing responses from ethnic and religious groups who saw themselves outside the state and its ideology resulting in “conditions where mass murder, genocide and ethnocide could be committed and justified in the name of protecting the integrity and identity of the Iraqi state.”⁶²⁷ As state institutions became heavily embedded in a regime that favoured exclusion and authoritarian governance rather than inclusion and conciliation of its divided segments, ethnic and religious groups resorted to alternative forms of contestation.

A common experience shared by all of Iraq’s ethnic and religious groups points to the presence of four factors: forced displacement, regime infiltration and cooptation of civic, religious and political organizations and entities, exclusion from the state’s governing institutions, and, in the case of minorities such as Kurds, Assyrians, Turkmen, Yazidis, and Mandeans, a shared Arabization experience. The collapse of the state in 2003 ushered social, economic, and political transformations of the state that had existed for over three decades under the Ba‘th regime. This exogenous shock and the opening of the political space that had remained close for nearly four decades produced new

⁶²⁷ Ali Allawi, “Federalism,” *Iraq Since the Gulf War* (London: Zed Books, 1994), 211.

challenges for governing this deeply divided society as the dynamics of ethnic dominance shifted to favour previously excluded segments.

Chapter Five

Continuity and Change: Institutions, Statebuilding, and Ethnic Discord following Regime Collapse

“Acknowledging God's right over us, and in fulfilment of the call of our homeland and citizens, and in response to the call of our religious and national leaderships and the determination of our great (religious) authorities and of our leaders and reformers, and in the midst of an international support from our friends and those who love us, marched for the first time in our history toward the ballot boxes by the millions, men and women, young and old, on the thirtieth of January two thousand and five, invoking the pains of sectarian oppression sufferings inflicted by the autocratic clique and inspired by the tragedies of Iraq's martyrs, Shiite and Sunni, Arabs and Kurds and Turkmen and from all the other components of the people and recollecting the darkness of the ravage of the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Al-Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Basheer and as is the case in the remaining areas of Iraq where the people of the west suffered from the assassinations of their leaders, symbols and elderly and from the displacement of their skilled individuals and from the drying out of their cultural and intellectual wells, so we sought hand in hand and shoulder to shoulder to create our new Iraq, the Iraq of the future free from sectarianism, racism, locality complex, discrimination and exclusion.”⁶²⁸

Preamble, 2005 Iraq Constitution

Introduction

This chapter seeks to explain the social and political forces that produced failed statebuilding following the 2003 American-led invasion and subsequent occupation. This third critical juncture in Iraq's political history marked the second external intervention since the period of state formation in 1920. In the decade between 2003-2013, Iraq underwent one of the most expedient statebuilding experiences accompanied by an almost entire institutional reconfiguration of the authoritarian state and the dismantling of Ba'thist governing institutions, the liberalization of the socialist economy, and opening the political space for civic engagement. In many ways, this transformation is perhaps the

⁶²⁸ Chibli Mallat and Hiram Chodosh, *Law in Iraq*, Vol. 2 (New York: Oxford University Press, 2012), 1.

most critical as it loosened the political landscape and altered the institutional setting to accommodate previously excluded majority and minority groups in governing the state.

While regime change led to the collapse of the authoritarian equilibrium that had existed for over thirty years, this period is characterized by failed statebuilding resulting in the replication of the causal mechanisms that produced exclusion and ethnic dominance, albeit with a reversal in the privileged and excluded groups. Likewise, the prioritization of a “pat formula” by the American architects of Iraq’s democracy rather than emphasizing the process of “negotiation among the parties that not only translates their power in the conflict into positions in the new system, but that also provides both protection to the parties whatever their position, and trade-offs and incentives for all to preserve the regime”⁶²⁹ defined the post-conflict institutional playing-field and reshaped forms of exclusion, mobilization, and state contestation. Thus, while institutional reconfiguration was purposed of creating the opportunity structures that could accommodate inclusive and representative democratic governance, expedient and inadequate institutional design during the first critical years of the occupation unintentionally reproduced ethnic dominance by previously excluded elites. Rather than attributing democratic breakdown to the power-sharing and consociational institutions that were chosen to govern Iraq as a divided society, I argue that ethnic allegiance as a defining marker of political mobilization is an outcome of both an inadequate and expedient statebuilding that failed to devise parallel institutions that could depoliticize

⁶²⁹ William Zartman, “Putting Humpty-Dumpty Together Again,” in *The International Spread of Ethnic Conflict*, eds., David A. Lake and Donald Rothchild (Princeton: Princeton University Press, 1998), 329.

ethnic grievances, as well as ethnic elite behaviour that have deepened segmental cleavages following regime collapse.

Chapter Outline

The chapter aims to do the following. The first section examines the conceptual requisites for democratic transition in order to frame the conditions and processes that led to regime collapse and an exogenously imposed statebuilding period post-2003. Attention is paid to the American foreign policy toward Iraq since the First Gulf War and its shift post-9/11. This background is followed by an examination of the institutional overhaul of the Ba’thist state and the political context that dictated its democratic transition. Crucial to this analysis are the policies of the Coalition Provisional Authority (CPA) as the primary civilian institution tasked with engineering democratization in Iraq and the limits and consequences of its statebuilding attempt. In the last section, I explain failed statebuilding resulting in a protracted ethnic conflict by highlighting domestic and regional causal factors that have exacerbated ethnic tensions.

State Collapse, Democratization, and External Intervention

Conceptualizing Transition and Democratization in Iraq

Explaining democratic transition in Iraq since 2003 requires a disaggregation of the causal mechanisms that have shaped the state’s governing trajectory following regime collapse. Transition from authoritarian rule—defined here as the “interval between one political

regime and another”⁶³⁰ due to either endogenous forces that succeed in toppling and recapturing the state or through external intervention culminating in regime and state collapse⁶³¹, opens a previously closed political arena. A democratic juncture often creates a fissure in the power dynamics that previously structured the political, social, and economic composition of the state under autocratic rule. It also signals a divergence from the previous order whereby “the rules and procedures of citizenship are either applied to political institutions previously governed by other principles...or expanded to include persons not previously enjoying such rights and obligations...or extended to cover issues and institutions not previously subject to citizen participation.”⁶³² However, as such succinctly noted by O’Donnell and Schmitter—and of particular importance to this case, authoritarian transitions have variable effects and consequences ranging from the institutionalization of political democracy or a return to authoritarian rule, noting that:

The outcome can also be simply confusion, that is, the rotation in power of successive governments which fail to provide any enduring or predictable solution to the problem of institutionalizing political power. Transitions can also develop into widespread, violent confrontations, eventually giving way to revolutionary regimes which promote changes going far beyond the political realm.⁶³³

Outcomes often define the parameters and the processes that result in the modes of conflict and cooperation between emerging governing elites, which shape the transition and the emergent state. In the given context, the ethnic security dilemma created during this

⁶³⁰ Guillermo O’Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: the Johns Hopkins University Press, 1986), 6.

⁶³¹ State collapse here denotes the “reduction and then the collapse of the state’s coercive and spatial monopoly, while regime collapse denotes a “disorganization of political power” that opens the space for previously excluded actors to share power in the given polity resulting in what Bunce succinctly calls the “deregulation of politics.” See Bunce (1999), 11-12.

⁶³² O’Donnell and Schmitter, 8.

⁶³³ Ibid, 3.

fissure results in the intensification of these processes as it can foster competition between ethnic groups in divided societies.⁶³⁴

Various factors contribute to the stagnation of democratic transition in Iraq following regime change. First, the historical legacy of institutionalized exclusion and authoritarianism have created a culture of fear in how ethnic groups perceive each other and how they perceive the state and its governing apparatuses producing political ideologies based on “exclusive group-based interest rather than on universal, society-wide interests.”⁶³⁵ This is discernable in how elites (initially externally imposed) have consistently used their “strategic positions in government as a basis for eliminating other players” rather than agreeing to “occupy those spaces contingently and to share them with, or turn them over to, opposing players according to preestablished rules of competition.”⁶³⁶ Second, these animosities result in ethnic outbidding whereby extremist elites capitalize on grievances which encourages the proliferation of ethnic parties by marginalizing moderating forces producing instability in fragmented societies.⁶³⁷ Thus, while Iraq has always been politically fragmented along many social fault lines (including class, urban-rural, and ethnic), the opening in the political space post-2003 heightened, and, to an extent, exacerbated this fragmentation.⁶³⁸ Iraq’s experience is not anomalous for an ethnically divided society transitioning from authoritarian rule as the initial

⁶³⁴ Saideman et al., “Democratization, Political Institutions, and Ethnic Conflict: a Pooled Time-Series Analysis, 1985-1998,” *Comparative Political Studies* 35.1 (2002): 106.

⁶³⁵ Anna K. Jarstad, “Dilemmas of war-to-democracy transitions: theories and concepts,” in *From War to Democracy: Dilemmas of Peacebuilding*, Eds., Anna K. Jarstad and Timothy D. Sisk (New York: Cambridge University Press, 2008), 31.

⁶³⁶ O’Donnell and Schmitter, 70.

⁶³⁷ Rabushka and Shepsle (1972), 187.

⁶³⁸ Eric Herring and Glen Rangwala, *Iraq in Fragments: the Occupation and its Legacy* (Ithaca: Cornell University Press, 2006), 2.

democratic opening in the political space allows for groups to organize and rebel against the state without fear of repression.⁶³⁹ Nevertheless, the historic absence of an accommodative and consensual political culture one characterized by a “people’s predominant beliefs, attitudes, values, ideals, sentiments, and evaluations about the political system of its country, and the role of the self in that system”⁶⁴⁰ has shaped ethnic elite behavior as much as the deficiencies stemming from the post-2003 transition from single-party autocratic rule.

In situating the post-2003 transition along a longitudinal analysis of the state’s development, we observe that the initial opening during this critical juncture redefined and reproduced the parameters of inclusion and exclusion as ethnic elites attempted to define and negotiate their position in the emergent political order. While the American architects of Iraq’s democracy attempted to revamp the authoritarian state by formulating a political system predicated on allotting all groups in society a stake in governance, the ethnification of political grievances have affected the post-2003 governing trajectory. Consequently, the inadequate implementation of a consociational model of governance post-occupation produced a diametrically opposite effect whereby previously excluded ethnic elites reproduced preceding governing patterns that reoriented the state and democratic institutions toward an exclusionary and authoritarian trajectory.

Framing Iraq’s post-2003 transition requires an analysis of the initial conditions and policy outcomes that dictated its transition following regime collapse.

⁶³⁹ Saideman et al., (2002): 118.

⁶⁴⁰ Larry Diamond, “Introduction: Political Culture and Democracy,” in *Political Culture & Democracy in Developing Countries*, ed., Larry Diamond (Boulder: Lynne Rienner Publishers, 1994), 7.

Conceptualizing this trajectory requires an explanation of American foreign policy in its emphasis on regime change in Iraq both prior to and post-911.

American Foreign Policy and Iraq

In many ways, America's exogenous statebuilding project for Iraq following the 2003 invasion and subsequent occupation corresponded with Britain's state formation and subsequent statebuilding of the country in 1920. Whereas the former resulted in the toppling of one of the region's longest standing dictators and effectively ended Sunni-Arab monopolization of the state and governing institutions, the latter had given rise to this governing pattern since the time of state formation. Both periods reflect a systematic effort to politically engineer and re-engineer of the institutional foundations of the Iraqi state. In observing some of the parallel continuities, we thus see a reversal in the pattern of ethnic dominance in Iraq from the time of state formation in 1920 and post-2003. On an institutional level, whereas the British Mandate was tasked with building the institutional, political, economic, and to an extent, the social capacity of the Iraqi state following the collapse of the Ottoman Empire and the redrawing of regional boundaries into nation-states, the Coalition Provisional Authority (CPA), was likewise, tasked with rebuilding Iraqi state capacity following the collapse of the state in 2003. As noted by Dodge, the inability of both foreign powers to create a functioning and secure state affected Iraq's governing trajectory post-occupation.⁶⁴¹

⁶⁴¹ Toby Dodge, "The Contradictions of Exogenous State-Building in Historical Perspective," *Third World Quarterly* 27.1 (2006).

American foreign policy objectives toward Iraq must be contextualized alongside the political processes that unfolded over the decade following the First Gulf War. As noted in the preceding chapter, the Gulf War also resulted in Shi'i and Kurdish uprisings against the regime. Whereas the Shi'is in the south became heavily suppressed by the regime, the Kurds were able to retreat to what effectively became an internationally protected Kurdistan region under Operation Northern Watch⁶⁴² (which was subsequently deemed illegal and in violation of Iraqi sovereignty by the United Nations)⁶⁴³ following the allied powers' creation of the no-fly zone beyond the 36th parallel. This territorial protection facilitated the creation of the Iraqi National Congress (INC) consisting of Iraqi expats and opposition groups led by Ahmad Chalabi (who would be instrumental in providing now considered inflated intelligence to American policy makers prior to the 2003 invasion) along with the Iraqi National Accord established in 1990 led by Ayad Allawi. In particular, two Iraqi opposition conferences, one held in Vienna in April of 1992 and later on October 27 of the same year in Salahuddin in Iraqi Kurdistan representing ethnic, religious, sectarian, and secular delegates became the impetus for devising the structural and political plan for a post-Hussein transitional Iraq.⁶⁴⁴ Thus, unsurprisingly, the majority Shi'i and minority groups, including the Kurds, Assyrians, Turkmen, Yazidis, and Mandeans who had been systematically targeted by the regime, supported the initial invasion. This was exemplified by the Visions of Freedom meeting

⁶⁴² "Operation Northern Watch," *Global Security*:

http://www.globalsecurity.org/military/ops/northern_watch.htm

⁶⁴³ BBC, "No-Fly Zones: the Legal Position," February 19 2001:

http://news.bbc.co.uk/2/hi/middle_east/1175950.stm

⁶⁴⁴ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace* (New Haven: Yale University Press, 2007), 53-63.

and declaration that took place in the city of Nasiriyah (where a major battle had been won by coalition forces against Ba’thist insurgents between March 23-29 2003) on April 15 2003 and attended by 100 Iraqis from across the ethno-religious spectrum (less than a month into the invasion), concluding that,

- I. Iraq must be democratic;
- II. The future government of Iraq should not be based on communal identity;
- III. A future government should be organized as a democratic federal system, but on the basis of countrywide consultation;
- IV. The rule of law must be paramount;
- V. That Iraq must be built on respect for diversity including respect for the role of women.
- VI. The meeting discusses the role of religion in state and society;
- VII. The meeting discussed [sic] the principle that Iraqis must choose their leaders, not have them imposed from outside;
- VIII. That political violence must be rejected, and that Iraqis must immediately organize themselves for the task of reconstruction at both the local and national levels;
- IX. That Iraqis and the coalition must work together to tackle the immediate issues of restoring security and basic services;
- X. That the Baath party must be dissolved and its effects on society must be eliminated;
- XI. That there should be an open dialogue with all national political groups to bring them into the process;
- XII. That the meeting condemns the looting that has taken place and the destruction of documents;
- XIII. The Iraqi participation in the Nasiriyah meeting voted that there should be another meeting in 10 days in a location to be determined with additional Iraqi participants and to discuss procedures for developing an Iraqi interim authority.⁶⁴⁵

While the architects of the occupation were external forces supported by a select-few vetted expatriate members of the Iraqi opposition, there remained a semblance of endogenous support for the emergent post-Ba’thist order immediately following the occupation, particularly from non-Sunni Arabs.

Furthermore, although the 2003 occupation was an instrument of the George W. Bush’s National Security Plan,⁶⁴⁶ American policy toward the removal of Saddam

⁶⁴⁵ U.S. Department of State, *Visions of Freedom: 100 Iraqis Meet in Nasiriyah and Create Basis for New Government*, April 15 2003: <http://2001-2009.state.gov/p/nea/rls/19714.htm>

⁶⁴⁶ The White House, “The National Security Plan,” <http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/print/index.html>

Hussein was a common theme throughout the 1990s advocated largely by a narrow group of neoconservatives tied to various American Jewish lobby organizations and their allies in congress since the late 1990s and post-9/11 that sought to “portray Arafat, bin Laden, and Saddam as critical parts of a looming menace that threatened both Israel and the United States.”⁶⁴⁷ In particular, neoconservatives during the Clinton administration including key figures such as Paul Wolfowitz, Lewis Libby, Dick Cheney, and William Kristol later became architects of Bush’s foreign policy approach to dealing with perceived threats to American and international security under the doctrine of pre-emption policy.⁶⁴⁸ For example, the Iraq Liberation Act of 1998—the blueprint for regime change, noted that “It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.”⁶⁴⁹ This unequivocal policy toward regime change also delineated material and humanitarian support for vetted Iraqi democratic opposition groups who were “committed to democratic values, to respect for human rights, to peaceful relations with Iraq’s neighbors, to maintaining Iraq’s territorial integrity, and to fostering cooperation among democratic opponents of the Saddam Hussein regime” with the understanding that these groups would fill the political vacuum and institute democratic reforms following the toppling of the Ba’th regime.⁶⁵⁰ Similarly, the December 2002 London conference of the Iraqi Opposition resulted in the formation

⁶⁴⁷ John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy* (New York: Farrar, Straus and Giroux, 2007), 248-49, see also 243-50.

⁶⁴⁸ John Dumbrell, “Bush’s War: the Iraq Conflict and American Democracy,” in *The Iraq War and Democratic Politics*, eds., Alex Danchev and John MacMillan (London: Routledge, 2005), 38.

⁶⁴⁹ H.R. 4655-Iraq Liberation Act of 1998. <http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.4655.ENR>:

⁶⁵⁰ Iraq Liberation Act.

of a sixty-five person committee representing various organizations from Iraqi opposition groups who would play a role in Iraq's post-Saddam transition. However, the conference failed to devise a tangible plan for political consolidation post-transition and to address critical issues that would come to dominate the political landscape in post-2003 Iraq such as how to revamp the Sunni-dominated system, the meaning and scope of federalism and Kurdish separatism, the role of religion, Iranian influence, and de-Ba'athification.⁶⁵¹

Although the United States and its allies remained key actors in Iraq's post-invasion transition, the United Nations and other multilateral agencies soon began to facilitate Iraq's political transition by emphasizing the need to aid Iraqis in establishing their own transitional representative government and to rebuild Iraqi state and institutional capacity.⁶⁵² The subsequent policies of the CPA following regime collapse in May of 2003 were largely predicated on recommendations made in the *Future of Iraq Project* of the Transitional Justice Working Group at U.S. Department of State with the intention of "transforming an unstable and chaotic state, caused by a dictatorship with a legacy of gross human rights abuses, to a democratic pluralistic system which respects the rule of law."⁶⁵³ As a blueprint for post-regime statebuilding, it outlined expansive legal and institutional reforms and included proposals for the dissolution of all Ba'athist state entities starting with abolishing and banning the party and its members, disbanding and restructuring the armed forces, and disbanding the state's special security apparatuses.⁶⁵⁴ Almost all

⁶⁵¹ Allawi (2007), 88.

⁶⁵² S/RES/1483, U.N. Security Council Resolution 1483 (2003): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/368/53/PDF/N0336853.pdf?OpenElement>

⁶⁵³ U.S. Department of State, *The Future of Iraq Project*, 2002: 5. Unclassified August 12 2005.

⁶⁵⁴ *The Future of Iraq Project*: 16-23; Appendix D(31).

subsequent CPA policies reflected much of the policy recommendations made by working-groups comprising of Iraqi leaders in exile, including de-Baathification, which was outlined in the *Future of Iraq Project's* Transitional Justice Plan.⁶⁵⁵ Moreover, and without taking into the account the inherent differences in the application of the post-WWII American statebuilding paradigm in Germany and Japan (two culturally and ethnically homogenous societies) and in ignoring a key factor that justified America's engagement—that the Axis powers had directly threatened and attacked the United States and its allies,⁶⁵⁶ American policy-makers, including President George W. Bush and Paul Bremer, looked to Germany and Japan as cases for replicating successful post-conflict statebuilding.⁶⁵⁷ The assumed transplantation of these success cases to Iraq was rooted in a 'one-size' fits all policy that failed to contextualize the scope and justification of the interventions.

Contextualizing post-2003 statebuilding in Iraq thus requires an analysis of the causal processes that affected its outcome and trajectory. This is important considering this transitional period suffered from a "systematic dilemma"⁶⁵⁸ of the local (endogenous) versus international (in this case, American) ownership of the process of democratization and peacebuilding particularly where regime collapse did not accompanied by endogenous statebuilding that would have incorporated vetted Iraqi technocrats into the emergent governing system. Rather, the CPA, as an externally imposed interim regime/government,

⁶⁵⁵ *The Future of Iraq Project*: 14.

⁶⁵⁶ Noah Feldman, *What We Owe Iraq* (Princeton: Princeton University Press, 2004), 1-2, 25-26.

⁶⁵⁷ Bremer, 19.

⁶⁵⁸ Anna K. Jarstad and Timothy D. Sisk, "Introduction," in *From War to Democracy: Dilemmas of Peacebuilding*, Eds., Anna K. Jarstad and Timothy D. Sisk (New York: Cambridge University Press, 2008), 11.

acted as an organization that ruled the polity “during the period between the fall of the *ancien* regime and the initiation of the next regime.”⁶⁵⁹ Headed by Ambassador Paul Bremer—directly appointed by the President of the United States—the CPA acted as an international supervisory authority⁶⁶⁰ with full legislative, executive and administrative powers from 2003-2004.⁶⁶¹ On a structural level, it reflected a complex, nebulous institution consisting of U.S. policy makers, military and intelligence officials, unilateral and multilateral aid agencies, intergovernmental organizations such as the U.N., and contractors, all tasked with rebuilding what would become Iraq’s post-occupation democratic governing system.⁶⁶² Nevertheless, this external governing body initiated the transitional process, set the rules for transition, and managed the transitional process almost entirely without any endogenous support.⁶⁶³ Complicating the civil administration was Bremer’s appointment. With no experience in Iraq or in post-conflict statebuilding and development, and lacking proficiency in Arabic, Bremer was appointed by George W. Bush because he was “widely viewed as having both the diplomatic polish and the neoconservative credentials to win support from both the State Department and the Pentagon.”⁶⁶⁴

⁶⁵⁹ Guttieri and Piombo, 5.

⁶⁶⁰ Ibid, 16.

⁶⁶¹ Dobbins et al. *Occupying Iraq: a History of the Coalition Provisional Authority* (Santa Monica: RAND Corporation, 2009), xiii.

⁶⁶² Report to Congress, “90 day update report on United States Strategy for Relief and Reconstruction in Iraq,” available at: <http://www.whitehouse.gov/sites/default/files/omb/legislative/1506.pdf>

⁶⁶³ Guttieri and Piombo (2007), 5.

⁶⁶⁴ James Dao, “At the Helm in Shattered Iraq; Lewis Paul Bremer III,” *New York Times*, May 8 2003.

While the role and efficacy of the CPA has been scrutinized elsewhere,⁶⁶⁵ I analyze a select few policy decisions from May 2003 to 28 June 2004 in order to contextualize their subsequent impact on statebuilding a decade later to demonstrate how such policies inadvertently provided the opportunity structures that fostered the reproduction of historical modes of exclusion and authoritarianism by emerging ethnic elites. These policies reflect the CPA's intention to 'clean house' immediately following regime collapse in 2003. Thus, from March 2003 to June 2004, we see the most abrupt institutional changes that had swept Iraq since the time of state formation in 1920 under British tutelage, albeit, with a caveat. While the latter period resulted in the imposition and institutionalization of Sunni-Arab rule through the Hashemite monarchy and the replication of this governing pattern under Ba'athist rule, post-2003 saw the reversal in the ethnic ownership of the state, one unintentionally dominated by the previously excluded Shi'i Arab and Kurds. The reversal of the preceding governing pattern that defined the parameters of inclusion/exclusion has directly shaped the processes and mechanisms that have fuelled Iraq's protracted inter-ethnic discord during this last critical statebuilding period. In order to contextualize the causal processes that unfolded following regime collapse, it is instructive to assess the outcomes of critical policies choices implemented in Iraq following occupation.

⁶⁶⁵ See "Special Issue: Reconstruction Post Saddam Iraq: a Quixotic beginning to the 'Global Democratic Revolution,'" *Third World Quarterly* 26, issue 4-5 (2005); Special Inspector General-Iraq Reconstruction, *Hard Lessons: the Iraq Reconstruction Experience* (Washington, DC: U.S. Government Printing Office, 2009), 78-85; Larry Diamond, "What Went Wrong in Iraq," *Foreign Affairs* (September/October 2004): <http://www.foreignaffairs.com/articles/60095/larry-diamond/what-went-wrong-in-iraq>

Commencing on a Clean Slate: Institutions and Statebuilding after Regime Collapse

De-Baathification and Institutional Reconfiguration

As discussed in the preceding chapter, the regime and the Ba‘th Party had effectively become the Iraqi state. The encapsulation of the state by the regime and the party, and its diffusion in society imposed, both willing and unwilling, a policy that ensured state-wide party membership to subvert dissidence.⁶⁶⁶ The dissolution of the Ba‘thist state and subsequent revamping of the country’s governing institutions was entrenched in Iraq’s post-2003 statebuilding schema; i.e. the emphasis on dissolving any semblance of the Ba‘thist state was the chief policy the CPA. Whereas CPA Order No. 1 of May 16 2003 for the de-Baathification of Iraqi Society officially disbanded the Ba‘th party in its entirety⁶⁶⁷ Order No. 2 dissolved all Ba‘thist entities, party structures, financial institutions, leaders and leadership positions, that led to a systematic and direct cleansing of individuals and technocrats deemed to be party supporters. This included the complete dissolution of the following political, security, and intelligence institutions, some of which were later replaced with new mandates:

- The Ministry of Defence
- The Ministry of Information
- The Ministry of State for Military Affairs
- The Iraqi Intelligence Service
- The National Security Bureau
- The Directorate of National Security (*Amn al‘am*)
- The Special Security Organization
- Entities comprising Saddam Hussein’s bodyguards:
 - *Murafaqin* (Companions);
 - *Himaya al Khasa* (Special Guard).
- Military Organizations:

⁶⁶⁶ The extent of state penetration and party and regime’s influence in society is observable in the Ba‘th Party’s ‘legal foundation, see Ministry of Justice, *Legal System Reform Law* of 1977, 65-85.

⁶⁶⁷ Ehrenberg et al., *The Iraq Papers* (New York: Oxford University Press, 2010), 184-85.

- The Army, Air Force, Navy, the Air Defence Force, and other military services;
- The Republican Guard;
- The Special Republican Guard;
- The Directorate of Military Intelligence;
- The *Al Quds* Force;
- Emergency Forces (*Quwat al Tawari*).
- Paramilitary units:
 - Saddam Fedayeen;
 - Ba‘th Party Militia;
 - Friends of Saddam;
 - Saddam’s Lion Cubs (*Ashbal Saddam*).
- Other state organizations:
 - The Presidential Diwan (Presidential Council-highest executive authority);
 - The Presidential Secretariat;
 - The National Assembly;
 - The Youth Organization (*al-Futuwwah*);
 - National Olympic Committee;
 - Revolutionary, Special and National Security Courts.⁶⁶⁸

In order to maintain this institutional transformation, the CPA Order Number 5 of May 2003 established the Iraqi de-Baathification Council consisting of vetted members of the Iraqi opposition tasked with investigating all aspects relating to the individual, collective, structural and institutional Ba‘th purging process that was mandated in Orders No. 1 and 2 mentioned above.⁶⁶⁹ This was also promulgated in key sections of the Law of Administration for the State of Iraq for the Transitional Period (also known as the TAL) of 2004, which acted as the country’s interim constitution during the transitional period post-occupation. Specifically, Articles 31 B (2,3), 36 B and 49 of the TAL contained provisions that prohibited members of the dissolved Ba‘th Party from participating in the National Assembly and running for presidential or executive office.⁶⁷⁰ The TAL was

⁶⁶⁸ Ehrenberg et al (2010), 186-88.

⁶⁶⁹ Coalition Provisional Authority Order Number 5, “Establishment of the Iraqi De-Baathification Council,” <http://www.iraqcoalition.org/regulations/CPAORD5.pdf>

⁶⁷⁰ CPA, *Law of Administration for the State of Iraq for the Transitional Period*, March 8 2004: <http://web.archive.org/web/20090423064920/http://www.cpa-iraq.org/government/TAL.html>

replaced with a new Iraqi constitution in October of 2005, which upheld the power, function, and validity of the High Commission for de-Baathification under Article 135.⁶⁷¹

Although this council was disbanded following the transfer of sovereignty under CPA Order No. 100 in June 2004 to the Interim Iraqi Government, it was re-established as Law No. 10 of 2008—*Law of Supreme National Commission of Accountability and Justice* to fulfill the original mandate of “uprooting” or de-Baathification with the intent to “dismantle the system of the Baath Party from the Iraqi Society, State institutes and civil society organizations ideologically, administratively, politically, culturally and economically.”⁶⁷² Article 3 attributes six functions to the Commission:

1. Prevent the ideological, administrative, political and practical return of the Baath Party under any name into power or public life in Iraq.
2. Cleanse the establishments of the public and mixed sectors, the civil society organizations and the Iraqi society from the Baath Party system in any form whatsoever.
3. Refer elements of the dissolved Baath Party and Repressive Services, who through investigation are convicted with criminal offences perpetrated against the people of Iraq, to the competent courts for fair trial.
4. Enable victims of the crimes of the Baath Party and Repressive Services, through referral to the competent authorities, to claim and collect compensations for damages inflicted upon them because of those crimes.
5. Contribute in the detection of funds that had been seized by the Lieutenants of the Defunct Regime by illicit means inside and outside Iraq and work of returning them to the state treasury.
6. Serve the Iraqi memory through documenting the crimes and illegal practices of the elements of the Baath Party and its Repressive Services, and provide a database about those elements to be accessible to the public in order to fortify future generations from falling into the clutches injustice, tyranny and oppression.⁶⁷³

The permeation of this institution in subsequent Iraqi constitutional documents bolstered its scope and mandate and determined the boundaries of inclusion and exclusion of Iraqis during this critical statebuilding process.

⁶⁷¹ Mallat and Chodosh, 33.

⁶⁷² Mallat and Chodosh, 951.

⁶⁷³ Mallat and Chodosh, 953-54.

Incongruous Statebuilding under the CPA

An assessment of these critical CPA policies during the first few months of the occupation aids in contextualizing much of the political and communal responses to the emergent and exogenously imposed order. Although largely concerned with the implementation of neoliberal and liberalization policies of Iraq's economic sector following regime collapse, the architects of Iraq's post-occupation statebuilding were aware of the pervasiveness of the army as strong functioning institution with a deep loyalty to the regime, as noted by L. Paul Bremer III,

The army was a coherent institution but it was the primary institution of repression, physical repression of the people so it was a functioning institution but it was used as a weapon by Saddam against his own people. It probably was the only other institution and again I don't think this is unusual in a dictatorship normally the security forces is a coherent institution loyal to the dictator.⁶⁷⁴

The rash decision of the CPA to dismantle this key institution left an estimated half a million armed Iraqi men without wages and without jobs. Although precise figures are difficult to ascertain, the CPA's institutional sweeping of former Ba'thist members through de-Baathification resulted in the purging of an estimated 20-120,000 Iraqis, including doctors, teachers, and other technocrats⁶⁷⁵ along with an estimated 100,000 members of Iraq's various intelligence and security sectors⁶⁷⁶ following regime collapse. Likewise, the exclusion of former Ba'th party members from the new governing institutions extended to the New Iraqi Army (NIA) created by the CPA Order No. 22,

⁶⁷⁴ Author interview with Ambassador L. Paul Bremer III on 22 March 2013, Boston, MA.

⁶⁷⁵ Estimates fall within the noted range-see, for instance, David L. Phillips, *Losing Iraq* (New York: Westview Press, 2005), 145; U.S. Intelligence reports estimated the removal of the top 1% of all party members, or an estimated 20,000 people, see Bremer, 40.

⁶⁷⁶ Sharon Otterman, "Iraq: Debaathification," *Council on Foreign Relations* April 7 2005: <http://www.cfr.org/iraq/iraq-debaathification/p7853#p3>

which stipulated the “absence of affiliation with the security and political control organs of the former regime” for all members of the NIA.⁶⁷⁷ Consequently, these policies not only resulted in the absolute collapse of the country’s security sector, but left an estimated 500,000 Iraqi soldiers armed, unemployed, and without pension pay until a vetting process was put in place a few months later that reinstated selective pension payouts.⁶⁷⁸

Moreover, inadequate planning on the part of the CPA coupled with insufficient material and financial support from the occupying powers, and a mounting insurgency resulting from the absence of an endogenous security sector gravely impeded the capacity of the New Iraqi Army and security sectors.⁶⁷⁹ Although the CPA began issuing monthly stipends to an estimated quarter of a million soldiers it had unemployed, growing resentment toward the CPA and the occupiers by disenfranchised officers fuelled the armed resistance and contributed to the speedy deterioration in the security situation post-occupation.⁶⁸⁰ In an attempt to institute order and integrate some former Iraqi officers into the new security sectors of the state CPA Order 27 created the Facilities Protection Service aimed at protecting critical infrastructure, while CPA Order 28 created the Iraqi Civil Defense Corps in September of 2003 as a temporary institution to replace the functions of the army and military. It was tasked with controlling urban and rural areas, seizing illegal

⁶⁷⁷ Coalition Provisional Authority, *CPA Order Number 22 Creation of a New Iraqi Army*, August 18 2003:

http://www.iraqcoalition.org/regulations/20030818_CPAORD_22_Creation_of_a_New_Iraqi_Army.pdf

⁶⁷⁸ Special Inspector General Iraq Reconstruction, *Hard Lessons: the Iraq Reconstruction Experience* (Washington: U.S. Government Printing Office, 2009), 75; Hashim (2003): 39; David H. Ucko, “Militias, Tribes and Insurgents: the Challenge of Political Reintegration in Iraq,” *Conflict, Security and Development* 8.3 (September 2008): 343-44.

⁶⁷⁹ Special Inspector General Iraq Reconstruction, 124.

⁶⁸⁰ Kareem Fahim, “Playing with Soldiers,” *The Village Voice* July 1 2003: <http://www.villagevoice.com/2003-07-01/news/playing-with-soldiers/>

weapons, manning checkpoints and security routes, riot patrols, provide security for humanitarian missions, and acting as liaisons with the coalition forces.⁶⁸¹ Nevertheless, CPA Order 2 and subsequent efforts to depose Iraqi society of any semblance of the Ba’thist state conditioned the processes that unfolded regarding the deep security vacuum and insurgency that ensued. Likewise, the absence of a security system that could ensure a stable security environment both pre and post transition gravely hinders, if not makes impossible, all subsequent political, economic, and cultural rebuilding.⁶⁸²

A critical policy error on the part of the coalition policy makers was the absence of a comprehensive and tangible disarmament, demobilization, and reintegration (DDR) plan⁶⁸³ further exacerbated ethnic tensions as groups began organizing along militias in the absence of a respected endogenous security force that could maintain law and order. A well-devised DDR plan is a critical policy prescription for countries undergoing transition from conflict as it drastically determines the extent and trajectory of post-conflict reconstruction, development, and peacebuilding efforts in war-torn countries.⁶⁸⁴ In the case of Iraq, although a Transition and Reintegration Implementation Committee

⁶⁸¹ CPA, *Order Number 28-Establishment of the Iraqi Civil Defense Corps*:

http://www.iraqcoalition.org/regulations/20030903_CPAORD_28_Est_of_the_Iraqi_Civil_Defense_Corps.pdf

⁶⁸² Albrecht Schnabel and Hans-Georg Ehrhart, “Post-conflict societies and the military: Challenges and problems of security sector reform,” in *Security Sector Reform and Post-Conflict Peacebuilding*, eds., Albrecht Schnabel and Hans-Georg Ehrhart (Tokyo: United Nations University Press, 2005), 1.

⁶⁸³ As a critical component to post-conflict peacebuilding in war-torn societies, DDR usually consists of a multilateral effort to a) collect, document, and control and dispose of small arms, ammunition, explosives and light and heavy weapons from combatants and from civilian populations; b) a formal plan to control and discharge of active combatants from armed forces and groups; c) to integrate ex-combatants into civilian life by providing them with sustainable assistance and employment income. See United Nations Peacekeeping, *Disarmament, Demobilization, and Reintegration*:

<http://www.un.org/en/peacekeeping/issues/ddr.shtml>

⁶⁸⁴ Sami Faltas and Wolf-Christian Paes, “Disarmement, Demobilization, and Reintegration: Not Only a Job for Soldiers,” in *People Building Peace II*, eds., Paul van Tongeren et al., (Boulder: Lynne Rienner Publishers, 2005), 612-14.

had been established under CPA Order 91 pertaining to the Regulation of Armed Forces and Militias,⁶⁸⁵ it was established over a year later in June 2004 at which time many militias and insurgent groups had already established their networks across the country.⁶⁸⁶ Confounding the implementation of a tangible DDR plan was an estimated 600,000 tons of arms and ammunition that was made accessible to Iraqis through looting, of which the CPA had only managed to secure and destroy a mere 75,000 or 12.5 percent of six months into the occupation.⁶⁸⁷ In addition to the availability of weapons, Sunni Arabs perceived the dismantling of the entire army as a concerted effort to marginalize and exclude them out of the post-Saddam political process, which only fuelled the insurgency that followed immediately post occupation, as echoed by Hatem Jassem Mukhlis—a member of an old soldier family from Tikrit (Saddam’s home base) and the president of the Iraqi National Movement,

The Americans are forcibly confiscating weapons they find in Sunni regions while Shiite and Kurdish armed militias thrive. Sunnis feel targeted by the decision to dismantle the army, which marginalised their status in public and political life. It is unfair, and it neglects the fact that all serious coup attempts against Saddam were led by officers coming from our [Sunni] regions.⁶⁸⁸

Thus, the collapse of the army and security forces was perceived by Sunni-Arabs as a way of systematically alienating them from the post-2003 governing order. This, in turn, fuelled the Sunni insurgency that followed particularly considering that its key support base was the “Sunni Triangle”, an area northwest of Iraq above Baghdad, which provided

⁶⁸⁵ CPA, *Order Number 91-Regulation of Armed Forces and Militias within Iraq*: http://www.iraqcoalition.org/regulations/20040607_CPAORD91_Regulation_of_Armed_Forces_and_Militias_within_Iraq.pdf

⁶⁸⁶ Ucko (2008): 343.

⁶⁸⁷ Adeed Dawisha, “Iraq: Setbacks, Advances, Prospects,” *Journal of Democracy* 15.1 (January 2004): 7.

⁶⁸⁸ International Crisis Group, “Iraq: Building a New Security Structure,” December 23 2003, 17.

both ideological and material support for former Ba’thists and insurgency fighters.⁶⁸⁹ Confounding the security dilemma was the limited number of coalition forces coupled with the absence of a comprehensive counter-insurgency strategy which severely impeded CPA statebuilding efforts.⁶⁹⁰ As noted by Bremer, Dobbins, and Gompert, “a better prepared and resourced programme for disarmament, demobilisation and reintegration would almost certainly have both attenuated the reaction to the army’s ‘disbandment’ and made reconstitution of a new force somewhat easier...the failure to develop, fund and staff such a programme prior to the invasion proved a costly mistake.”⁶⁹¹ Additionally, the U.S. military’s disdain for what they perceived to be an insurgency characterized and dominated by Sunni Arabs who sought the return of Saddam Hussein and the old Ba’thist order deem these elements as “inherently irreconcilable”, which severely curtailed their demobilization and reintegration.⁶⁹² While true that a group of primarily Sunni Arab politicians dominated the Ba’thist era, the CPA and the invasion’s policy-makers failed to account for the fact that Saddam Hussein nevertheless relied on a very close patronage network of clan and family members that became his support base⁶⁹³ which excluded many Sunni Arabs from the centres of power.

By July 2003, the CPA handed all power and authority of the de-Baathification Commission to the Interim Governing Council (IGC) and became spearheaded by a group of mostly Shi’i Iraqi expats led by Ahmed Chalabi, who staffed the Commission with

⁶⁸⁹ Toby Dodge, *Iraq’s Future: the aftermath of regime change* (Oxon: Routledge, 2005), 9.

⁶⁹⁰ L. Paul Bremer, James Dobbins, and David Gompert, “Early Days in Iraq: Decisions of the CPA,” *Survival* 50.4 (Aug-Sep 2008): 22.

⁶⁹¹ Bremer, James Dobbins, and David Gompert: 27.

⁶⁹² Ucko (2008): 351.

⁶⁹³ Dodge (2005), 32-33.

predominantly Shi'i Arab technical personnel.⁶⁹⁴ Shortly after handing the administration of the Commission to the Interim Governing Council, Bremer voiced concerns over its revised and expansive powers as a tool for the systematic exclusion of Sunni Arabs and perceived regime sympathizers beyond the 1 percent of the upper echelons of the Ba'ath party as initially proposed in the CPA order. Examining the policy in hindsight, Bremer in an interview noted that "I certainly made a mistake in how I allowed Iraqi politicians to be responsible for the implementation of de-Baathification"⁶⁹⁵ particularly as the expansion of the Commission's definition of those subject to de-Baathification exacerbated tensions with the Sunni community and provoked "plausible claims that the politicians were more interested in creating job openings for their cronies than in weeding out lower-level B'athists who had truly misused their positions."⁶⁹⁶ Over the next eight years, the Commission's scope and mandate was indeed expanded to include a de-Baathification committee in each governing ministry, which gave it enormous powers to "influence political participation, civil service recruitment, social status, and the economic welfare of many thousands of Iraqis."⁶⁹⁷ Thus, whereas Shi'i Arabs and Kurds welcomed de-Baathification as an integral remedial approach to revamp the political system under the preceding authoritarian regime, Iraqi Sunni Arabs, and for warranted reasons, saw it as an avenue for institutionalizing and securing Shi'i domination following regime collapse in 2003.⁶⁹⁸

⁶⁹⁴ Miranda Sissons and Abdulrazzaq Al-Saiedi, "A Bitter Legacy: Lessons of De-Baathification in Iraq," *International Center for Transitional Justice*, March 2013: 12.

⁶⁹⁵ Author's interview with L. Paul Bremer III.

⁶⁹⁶ Bremer, Dobbins, and Gompert: 30.

⁶⁹⁷ Sissons and Al-Saiedi: 12-13.

⁶⁹⁸ Bremer, Dobbins, and Gompert: 31; see also ICG Report (2003);

Nevertheless, the CPA's failure to disarm, demobilize, and reintegrate former soldiers and militia members exacerbated the security situation by creating two equally polarizing alternatives that further intensified ethnic divisions. First, the American architects of the occupation effectively allowed Shi'i militias in central and southern Iraq and Kurdish militias including the Peshmerga in the North to operate within their given sanctuaries. This, in turn, resulted in the mobilization of disenfranchised groups, particularly Sunni-Arabs, many of whom constituted former soldiers, to join Sunni insurgency groups including Al-Qaeda in Iraq.⁶⁹⁹ Inadequate and inconsistent planning on behalf of American and coalition policy makers illuminates the expedient, uncoordinated, and short-sightedness that defined much of the invasion and occupation, particularly in terms of developing an effective strategy regarding the method, scope, and implementation of post-conflict statebuilding, as reflected in Bremer's response to the question regarding the CPA's biggest challenge immediately post-invasion, noting that,

The key issue was security. Any government has as its primary function to provide security for its citizens and we were the government of Iraq and we were not doing that. The looting was going on and the insurgency pickup at the end of 2003 and we still didn't have an effective strategy to deal with it. So security was the single biggest immediate and ongoing issue that we faced. The way I describe it is we had three challenges. We had to provide security, we had to get the Iraqis on the path to a government and we had to try to get the economy going. The dilemma that I faced and CPA faced was that we didn't have authority over the security problem. That fell into the responsibility of the military. We had responsibility for the political and economic reform. Primary one was security and we didn't handle it well.⁷⁰⁰

When asked about whether the American government had taken into account the issue of security prior to the invasion, the response was as follows:

I was a businessman up until two weeks before I showed up in Baghdad so I was not involved inside the government in the discussions. But if you read some of the other books about it, it appears that not enough attention was paid to the question of providing post-conflict security. Found when I got there that effectively General Franks the CENTCOM commander had not made any plans for

⁶⁹⁹ Ucko (2008): 345-44.

⁷⁰⁰ Author interview with the CPA leader (March 2013).

post-conflict security he was planning to simply withdraw the vast majority of American forces by September 1 2002. So to the extent that there was a plan for security I don't know.⁷⁰¹

The inadequate attention paid to post-conflict peacebuilding had dire consequences on America's democratization efforts in Iraq immediately post-invasion. The lingering effects of de-Baathification and the absence of an effective DDR plan continue to complicate the security situation over a decade into the occupation. This is best exemplified by the alliance of well-trained former Ba'thist generals and officials and Saddam Hussein loyalists and members of the resistance group known as the Naqshbandi Army who had been purged under de-Baathification, with the ISIL militants in their takeover of key cities and towns since June 2014.⁷⁰²

Effectively, commencing on a clean slate was an objective of American policy makers following state collapse guided by a group of highly corrupt Iraqi exiles who were "catapulted to positions of power and authority"⁷⁰³ with very little indigenous support within the country and little to no experience in governing a state.⁷⁰⁴ In particular, the latter's fixation on dismantling the Ba'thist state in order to both cleanse it from all elements of the former regime and to install a new political order was predicated on the assumption and fear that the "Baathists permeated everything, since just about anyone

⁷⁰¹ Author interview with the CPA leader (March 2013).

⁷⁰² Shane Harris, "The Re-Baathification of Iraq," *Foreign Policy*, August 21 2014: <http://foreignpolicy.com/2014/08/21/the-re-baathification-of-iraq/>; see also Alaa al-Lami, "Iraq: Understanding the coup in Mosul and its consequences," *al-akhbar* June 14 2014: <http://english.al-akhbar.com/content/iraq-understanding-coup-mosul-and-its-consequences>; Tim Arango, Kareem Fahim and Ben Hubbard, "Rebels' Fast Strike in Iraq was Years in the Making," *New York Times* June 14 2014: http://www.nytimes.com/2014/06/15/world/middleeast/rebels-fast-strike-in-iraq-was-years-in-the-making.html?smid=tw-share&_r=0

⁷⁰³ Allawi (2007), 351.

⁷⁰⁴ Zaid Al-Ali, *The Struggle for Iraq's Future* (New Haven: Yale University Press, 2014), 53-54.

could be a potential agent.”⁷⁰⁵ This ‘clean house’ policy facilitated the formation of an institutional mechanism by which the ethnic re-dominance of the state can be recaptured and reframed. In other words, it allowed groups to reverse and reframe state ownership according to the identities of previously excluded ethnic elites defined by and framed in ethnic fault lines. Fuelling these tensions was regime cooptation of state nationalism, which under the Ba’thist era aligned more closely with Sunni Iraqi nationalism than its Shi’i counterpart.⁷⁰⁶ Thus, regime collapse and the subsequent institutionalization of de-Baathification was welcomed by groups previously excluded or disassociated from what had been a prevailing Sunni Arab state narrative and identity. The CPA also failed to account for the dangers in proscribing all Ba’thists, particularly Iraqi technocrats and careerists who had joined the party in order to ensure their economic and employment prospects, from becoming stakeholders in the rebuilding of the state.⁷⁰⁷ In fact, the CPA’s assumption that there were no Iraqi technocrats left in Iraq grossly underestimated the complex political structure that sustained the regime’s survival for well over three decades.⁷⁰⁸

These assumptions dictated the institutional arrangements and governing structures that emerged following regime collapse. The attempt to systematically reorient the Iraqi state and society toward a path of democratization thus required the eradication of the old order and the establishment of a more inclusive and representative government. The next step in the statebuilding schema was the creation of accommodative institutions

⁷⁰⁵ Ibid, 58.

⁷⁰⁶ Haddad (2011), 167, for a more detailed analysis, see pages 32-38.

⁷⁰⁷ Dawisha (2004): 8.

⁷⁰⁸ Author’s interview with L. Paul Bremer III.

that could give previously excluded groups a stake in the government. On an idealistic level, power-sharing institutions were devised to both accommodate previously excluded groups and to accord all ethno-religious groups a stake in the political process and in building the emergent state particularly where distrust of a presidential strongman meant opting for a system without winners and losers that made it difficult for ethnic elites to “ever choose anything other than power-sharing institutions.”⁷⁰⁹

Failed Statebuilding and Ethnic Discord Post-2003

Institutional Engineering and the New Iraqi Government

The processes resulting in the systematic overhaul of the state occurred affected institutional engineering and dictated the parameters of inclusion and exclusion following state collapse. This one-shot process hindered endogenous support, cooperation, and participation in state reformation following authoritarian breakdown. In the absence of a structural and institutional base by which a state could be rebuilt, questions emerged regarding the best political system that could consolidate and represent diverging group interests. Prescriptions for the design of representative governments for states in transition from either civil wars or violent ethnic conflict emphasize the importance of institutions that can mitigate conflict and create inclusive governments through various electoral arrangements. These prescriptions largely fall along those advocating consociational versus centripetal systems structured around parliamentary versus presidential systems. As will be demonstrated, in the case of Iraq, decades of authoritarian rule under a

⁷⁰⁹ Anderson, 258.

presidential system that saw the centralization of power in the hands of a single autocrat precluded any possibility for the institutionalization of a presidential form of government.

American policy makers and coalition allies attempted to create a functioning and representative state following regime collapse in 2003. The political revamping of the state was outlined and maintained by various American policy formulations with the intent to “build stable, pluralistic, and effective national institutions that can protect the interests of all Iraqis, and facilitate Iraq’s full integration into the international community.”⁷¹⁰ Three months into the occupation, the CPA facilitated the formation of a 25-member Iraqi Governing Council (IGC) proportionally representative of Iraq’s various ethno-religious groups consisting of 13 Shi’is, 5 Sunni Arabs, 5 Kurds (also Sunni), 1 Turkmen, and 1 Assyrian Christian tasked with “laying down the foundation for a pluralistic, federal, democratic system and respecting human rights.”⁷¹¹ The CPA transferred sovereignty to the Interim Iraqi Government in June 2004 and was replaced by a transitional government both of which operated under the Transitional Administration Law (TAL). Part of the institutional reconfiguration was to reformulate the state’s electoral rules in order to have the democratic desired effects of the transition and to facilitate social and political engineering through the public policy process.⁷¹² A parliamentary consociational model seemed the more practical option for accommodating group interests while eliminating hegemonic control of the state by a ruling autocracy through either coercion or

⁷¹⁰ National Security Council, *National Strategy for Victory in Iraq*, November 2005, 8.

⁷¹¹ Bremer (2006), 101.

⁷¹² Pippa Norris, *Electoral Engineering: Voting Rule sand Political Behavior* (New York: Cambridge University Press, 2004), 5.

cooptation.⁷¹³ A PR party-list electoral system with a single electoral constituency based on national lists was chosen as it facilitated the creation a more inclusive political spectrum by allotting diverse political parties and coalitions adequate representation in government.

The permanent post-Ba‘thist constitution of 2005 characterizes Iraq as an Islamic federal parliamentary democracy with executive, legislative and judicial branches. The government consists of a unicameral legislative body known as the Council of Representatives elected every four years and a hybrid executive branch consisting of the Office of the Prime Minister which appoints the Council of Ministers and the office of the President. Both the PM and the President have the right to appoint as many as three deputy Prime Ministers and Vice Presidents. As a norm to accommodate Iraq’s three dominant ethnic and religious groups, the heads of key executive and legislative institutions have been represented by a Shi’i Arab PM, a Kurdish President, and a Sunni-Arab Speaker of Parliament. On a symbolic level, this power-sharing arrangement was purposive of accommodating previously excluded groups by allotting them a stake in the government while simultaneously creating an institutional mechanism for encouraging elite bargaining at the executive levels. Smaller minority groups with little numerical clout, such as the Turkmen, Assyrian Christians, Yazidis, Shabacks, and Mandeans are allotted representation under the quota system. The constitution also stipulates that the Council of Representatives must acquire a minimum of twenty-five percent or 82 seats female

⁷¹³ Norris, 23. See also Ian Lustick (1979).

representation in parliament and mandates that each party list must have one female candidate for every three male candidates.

The rationale for adopting a consociational system for Iraq was twofold. First, preceding historical processes of groups under a heavily centralized majoritarian system under Ba'this rule fuelled the proclivity of ethno-religious groups to adopting a presidential model. This was largely predicated on the need to placate the interests of previously excluded segments of the population, namely Shi'i Arabs, Kurds, Turkmen, Assyrians, and Yazidis who had been excluded and marginalized from governing the state prior to 2003. The experience of previously excluded and oppressed groups under the previous regime determined their unwillingness to accept a presidential model. Second, the literature on institutional design in divided societies demonstrates that more states are moving toward a PR rather than a winner take all presidential/majoritarian system since the former is statistically associated with greater democratic improvements, democratic consolidation, and improves the overall representation of women in parliament.⁷¹⁴ Furthermore, given the circumstances by which Iraq's democratic transition unfolded through external intervention and the indisposition of majority and minority groups toward a political system that favoured the centralization of authority under a presidential system, institutional engineering options in Iraq were inherently limited to a power-sharing arrangement under a consociational system that could accommodate these

⁷¹⁴ For the most comprehensive quantitative and qualitative studies on this comparison, see Pippa Norris, *Driving Democracy: Do Power-Sharing Institutions Work?* (New York: Cambridge University Press, 2008); Andrew Reynolds, *Designing Democracy in a Dangerous World* (Oxford: Oxford University Press, 2011), 77; Arend Lijphart, *Patterns of Democracy* (New Haven: Yale University Press, 1999); See also Saideman et al., (2002): 118.

longstanding grievances by terminating and managing conflict.⁷¹⁵ Nevertheless, any analysis of Iraq's post-2003 transition must, in conjunction with factoring in the viability of said institutions, take into account the role of political processes, policy outputs, and economic performance as measures and possible explanations for the success or failure of democratic consolidation.⁷¹⁶

*Elections, Political Parties, and the Limits of Power-sharing:
Contextualizing the Legacies of the CPA*

Political parties in emerging, socially fragmented divided democracies can produce three diametrically opposite outcomes: they can “aggregate social cleavages, translate social cleavages into political cleavages or block the politicization of social cleavages.”⁷¹⁷ In the present case, the proliferation of ethnic parties—defined as a party that “overtly represents itself as a champion of the cause of one particular ethnic category or set of categories to the exclusion of others, and that makes such a representation central to its strategy of mobilizing voters” rooted in ascription, exclusion, and centrality⁷¹⁸ of its identity to its political platform have contributed to the politicization of social cleavages. As demonstrated in Table 1 below, we observe the politicization or articulation of social cleavages in four major elections: January 2005 (election to form a Transitional National Assembly), December 2005 (election to form a permanent Council of Representatives),

⁷¹⁵ John McGarry and Brendan O’Leary, “Introduction: The macro-political regulation of ethnic conflict,” in *The Politics of Ethnic Conflict Regulation*, eds., John McGarry and Brendan O’Leary (Oxon: Routledge, 1993), 4.

⁷¹⁶ Timothy J. Power and Mark J. Gasiorowski, “Institutional Design and Democratic Consolidation in the Third World,” *Comparative Political Studies* 30.2 (April 1997): 151.

⁷¹⁷ Matthijs Bogaards, “Comparative strategies of political party regulation,” in *Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development*, Eds., Benjamin Reilly and Per Nordlund (New York : United Nations University Press, 2008), 49.

⁷¹⁸ Chandra (2004), 3.

March 2010 (election of the Council of Representatives) and the more recent elections in April 2014 for the Council of Representatives. In October 2005, a successful national referendum was held to vote for a permanent constitution.

Table 8: Ethnic Distribution of Coalition Seats in National Parliamentary Elections in Iraq, 2005-2014

January 2005 Transitional National Assembly		
<i>Party</i>	<i>Ethno-religious affiliation</i>	<i>Seat distribution</i>
United Iraqi Alliance-UIA	Shi'i	140
Kurdistan Alliance	Kurdish	75
Iraqi List	Secular Shi'i, cross-communal	40
The Iraqis	Secular Sunni	5
Iraqi Turkmen Front	Turkmen	3
National Independent Cadres and Elites	Shi'i	3
Communist Party	Multi-ethnic	2
Islamic Kurdish Society	Kurdish Islamist	2
Islamic Labor Movement in Iraq	Islamist	2
National Democratic alliance	Secular	1
Al-Rafidain List	Assyrian Christian	1
Reconciliation and Liberation Party	Secular (Sunni Arab nationalist)	1
Total	8,456,266	275
December 2005 Council of Representatives		
<i>Party</i>	<i>Ethno-religious affiliation</i>	<i>Seat distribution</i>
United Iraqi Alliance-UIA	Shi'i	128
Kurdistan Alliance	Kurdish	53
Iraqi Front- <i>Tawafuq</i>	Sunni Arab	44
Iraqi National List	Secular	25
Hewar National Iraqi Front	Secular Sunni	11
Islamic Union of Kurdistan	Kurdish Islamist	5
Reconciliation and Liberation Party	Secular Sunni/Arab Nationalist	3
Risalyun-Bearers of the Message	Sadrist-Shi'i	2
Iraqi Turkmen Front	Turkmen	1
Al-Rafidain List	Assyrian Christian	1
Mithal al-Alusi List for the Iraqi Nation	Secular/non sectarian	1
Yazidi Movement for Reform and Progress	Yazidi	1
Total	12,191,133	275
March 2010 Council of Representatives		
<i>Party</i>	<i>Ethno-religious affiliation</i>	<i>Seat distribution</i>
Al-Iraqiya	Secular, Sunni and Shi'i	91
State of the Law Coalition	Shi'i	89
Iraqi National Alliance	Shi'i	70

Kurdistan Alliance	Kurdish	43
Goran Movement	Kurdish	8
Iraqi National Accord	Sunni Arab	6
Unity Alliance of Iraq	Secular/non-sectarian	4
Islamic Union of Kurdistan	Kurdish Islamist	4
Islamic Group of Kurdistan	Kurdish Islamist	2
Al-Rafidain List	Assyrian Christian	3
Chaldean, Syriac, Assyrian Council	Assyrian, cross-sectarian	2
Yazidi Movement for Reform and Progress	Yazidi	1
Muhammad Jamshid al-Shabaki		
Khalid Amin Roumi	Shabaks	1
Total	Mandean	1
	11,526,412	325

April 2014 Council of Representatives		
<i>Party</i>	<i>Ethno-religious affiliation</i>	<i>Seat distribution</i>
State of the Law Coalition	Shi'i	92
Coalition of the Free	Shi'i-Sadrist	34
Al-Muwatin Coalition-Supreme Islamic Iraqi Council	Shi'i	29
United for Reform (<i>Muttahidoon</i>)	Sunni	23
Iraqi National Accord-Ayad Alawi	Secular, non-sectarian	21
Kurdistan Democratic Party (KDP)	Kurdish	25
Patriotic Union of Kurdistan (PUK)	Kurdish	21
Iraqi Front for National Dialogue (Al-Arabiya)	Sunni	10
Goran Movement for Change	Kurdish	
Islamic Virtue Party	Shi'i-Islamist	9
National Reform Movement	Shi'i-Islamist	6
Diyala is our Identity	Iraqi Sunni/secular	6
Iraq Alliance	Secular	5
Islamic Union of Kurdistan	Kurdish-Islamist	8
Islamic Group of Kurdistan	Kurdish-Islamist	4
Nineveh National Alliance	Shi'i	3
Civil Democratic Alliance	Secular/leftist, non-sectarian	3
Loyalty to Anbar	Sunni Arab	3
Iraqi Turkmen Front	Iraqi Turkmen	3
Iraqi Loyalty Alliance- <i>Al Wafaa al-Iraqi</i>	Shi'i Arab	2
Competences and People Gathering	Kurdish	2
Unity of Iraqis- <i>Wahdat Abnaa al-Iraq</i>	Shi'i Arab	2
Al-Rafidain List	Assyrian Christian	2
Chaldean, Syriac, Assyrian Council	Assyrian, cross-sectarian	2
Democratic Uruk List	Christian, leftist-secular	2
Yazidi Movement for Reform and Progress	Yazidi	1
Hareth Shanshal Sunaid al-Harithi	Mandean	1
Council of Free Shabaks	Shabak	1
Other coalitions	Varied	1
		10
Total	11,222,403	328

Source: Data for this table was gathered from the following sources: International Foundation for Electoral Systems (IFES), <http://www.electionguide.org/countries/id/104/>; *Iraq Election Guide*; *Institute for the*

Study of War Iraq, <http://iswiraq.blogspot.co.uk/2014/05/final-2014-iraqi-national-elections.html>; *Independent Electoral Commission for Iraq*, <http://www.ihec.iq/en/>; Marr (2012).

Subsequent elections have demonstrated a similar pattern: the reliance on ethno-religious affiliations as the basis for political participation and engagement over more secular political parties and politicians. The January 2005 parliamentary election was arguably the most critical as it represented the first free and seemingly fair election in the country that created a transitional government tasked with drafting the country's first democratically elected and representative constitution written by a narrow group of elected elites representing Iraq's various ethno-religious groups. While the election was hailed a success by international observers, the largest winners were primarily the United Iraqi Alliance (UIA), a Shi'i coalition represented primarily by the Dawa Party, the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and smaller Shi'i political entities such as the Sadrist movement and the Kurdish bloc, represented by the KDP and the PUK among other smaller Kurdish political entities. Sunni Arab representation, on the other hand, posed a precarious challenge to the emergent democratic order and the transitional political process.

While some Sunni-Arab political parties, such as the Assembly of Independent Democrats, headed by the veteran Iraqi politician Adnan Pachachi (whom later joined Ayad Allawi's Iraqi List) participated in the 2005 January elections to the National Assembly, major political parties such as the Iraqi Islamic Party (IIP) heeded the advise of the Association of Muslim Scholars and boycotted the election citing their disinclination to participate in what Sunni elites perceived to be an externally imposed

order and a growing security and insurgency dilemma in Sunni areas.⁷¹⁹ This proved disastrous for the Sunni Arab community as their lack of representation exacerbated the insurgency and their marginalization from the emergent political order. Nevertheless, concessions were soon made to include elected representatives from Iraq's various ethno-religious communities with the following composition: 28 Shi'is (including 5 women), 15 members from the Kurdish coalition (including 2 women), 8 members from the secular Iraqi List (including 1 woman), and 5 members of Iraq's minorities groups and 1 woman, and fifteen prominent Sunni elites in the seventy-one member constitutional drafting committee.⁷²⁰ The reliance on ethnic powerbases for electoral victories was also reflected in the overall distribution of the 275 parliamentary seats in 2005 where the United Iraq Alliance won 140 seats, the Kurdish alliance 75 seats, and liberal/secular lists such as the Iraqiya (Iraq) Alliance headed by Iraq's prominent secular Shi'i Arab politician, Ayad Allawi, won a meager 40 seats.⁷²¹ This trend is also reflected in all subsequent Iraqi national elections with very few coalitions cutting-across communal lines and attempting to accommodate members outside of their ethnic and sectarian powerbase.

Despite seemingly positive developments and the capacity of the state to accommodate previously excluded groups in the emergent and democratizing political order, critical shortfalls regarding the form of federalism and the formation of regions and administrative units, oil and gas resource distribution, and checks and balances on the

⁷¹⁹ Roel Meijer, "Sunni Factions and the 'Political Process'", in *Iraq: Preventing a new Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone and Ben Rowsell (Boulder: Lynne Rienner Publishers, 2007), 89-90; Rory Carroll, "Sunnis admit poll boycott blunder and ask to share power," *The Guardian* February 14 2005: <http://www.theguardian.com/world/2005/feb/15/iraq.rorycarroll>

⁷²⁰ Faleh A. Jabar, "The Constitution of Iraq: Religious and Ethnic Relations," *Minority Rights Group International*: <http://www.iraqstudies.com/featured9.html>

⁷²¹ Al-Ali (2014), 85.

executive branch of government also impede inter-ethnic cooperation. This is reflective of the expedient nature by which the constitution was drafted and the fact that the constitutional drafting committee was given a period of three months to draft a full text, with the expected delivery date of August 15 2005 and a national referendum to be held on October 15 2005. While both international observers under the United Nations as well as the constitutional drafting committee's chairman, Sheikh al-Hamoudi requested a six-month extension in the drafting process, American policy makers operating through the American embassy blocked the request and proceeded to pressure the committee to finalize the text in order to hold the referendum by the assigned date.⁷²²

Moreover, the shift from a closed-list (established by the CPA) to an open-list PR in 2010 under Al-Maliki's government fuelled tensions as some 511 Sunni Arab candidates, many of whom had served under the post-2003 government without dispute, were barred from entering the election because of alleged ties to the former regime and Saddam Hussein. This is particularly troubling as a closed-list PR in power-sharing systems encourages party institutionalization, rival cooperation, provides a more robust check on the executive level of government, diffuses power across the system, and has a positive correlation with good governance and the sustainability and duration of peace post-elections.⁷²³ Similarly, whereas an open-PR system encourages electoral reformers to bolster legislative responsiveness and accountability to local communities, a closed-PR system strengthens party discipline and cohesion in divided and factionalized

⁷²² Ibid, 86-87.

⁷²³ Melani Cammett and Edmund Malesky, "Power Sharing in Postconflict Societies: Implications for Peace and Governance," *Journal of Conflict Resolution* 56.6 (December 2012): 2, 27-28.

democracies.⁷²⁴ This is particularly crucial for ethnically divided emerging democracies seeking to reconcile and consolidate a divided political arena as it opens political space to include reformed members of the *ancien regime* to partake in the electoral process without fears of reprisals based on their individual candidacy. In the given context, it would have minimized the Prime Minister's targeting of Sunni-Arab candidates on de-Baathification grounds.

While the CPA facilitated the formation of the state's institutional configuration during the transitional period by acting as the interim government, it also played a critical role in defining the institutional parameters of inclusion and exclusion by reconstituting Iraq's ethnic balance of power from the pre-2003 order. It is imperative to note, while critics have accused the CPA of institutionalizing sectarianism within the existing consociational model, notwithstanding the legal and ethical considerations of the invasion and the subsequent expedient statebuilding as it is outside the scope of this chapter and has been discussed elsewhere, an alternative system would have simply been unattainable considering the deeply-seated grievances experienced by previously excluded communities, particularly among Shi'i Arabs and Kurds under decades of Ba'thist rule, as noted by Dawisha, "after 35 years of Saddam's narrow and virulent ethnosectarian policies, the CPA had to try and give as many groups as possible a place at the table."⁷²⁵ Thus, while power-sharing was a necessary institutional arrangement for consolidating an emergent democratic order in highly fractionalized society, its spurious application and the absence of a reconciliatory institutional mechanism resulted in its failure to regulate

⁷²⁴ Norris (2004), 260-61.

⁷²⁵ Dawisha (2004): 12.

conflict. This sentiment was echoed by Bremer when asked the extent in which ethnic and sectarian issues factored into the state and institutional building processes, noting that:

In a way, I think it was regrettable that it appeared as early as it did when it was essentially driven by the Shi'is. The American government had been talking about a representative government, well if you move to that, Sunnis are not a majority so there is going to be a fairly significant shift in power in Iraq. The Shi'i were very insistent that they were a majority in the country and that therefore whatever interim government was setup, the Shi'i insisted that they had to be the majority. Well, once they made that red line for them in how to setup the Governing Council, it immediately forced the Kurds to say well we need 40% of representatives (this is what they thought they were in the country) then the Sunnis said that were a majority in Iraq we're not a minority, we're a majority, and then of course the Turkmen and Christians came in the picture. So the Shi'i insistence right from the onset that in the interim government, they had to be a majority forced us further than I wanted to go into a kind of quota system, and that's how the Government Council got off to a wrong foot, which was thinking about the representation in the Governing Council in sectarian or ethnic terms. Question is, was there an alternative? I don't think there was.⁷²⁶

The reliance on the ethnic ownership of the state among contending ethno-religious groups reflects a path dependent trend since the founding of the Iraqi state, particularly as various ruling elites attempted to consolidate a divided society. The reliance on ethnic grievances as a source of political mobilization among contending elites not only defined their institutional preferences but also reoriented their strategic interests toward their ethnic base. Consequently, political engineering by the CPA and international actors had to reflect the interests of previously excluded groups that occupied the centres of power following regime collapse.

Elites, State Fragility, and Institutional Collapse

Statebuilding is often accompanied by a shift in the political culture of a given polity punctuated by three critical stages: the breakdown of the dictatorial regime, the

⁷²⁶ Author interview with the CPA leader (March 2013).

creation/reconstruction of democracy, and the consolidation of a new regime.⁷²⁷ When assessing Iraq's governing trajectory eleven years following regime collapse, we observe the presence of the first two factors, both regime breakdown and the creation/reconstruction of democracy but an absence of democratic consolidation—defined as the presence of democratic institutions and democratic politics as mutually enforcing mechanisms for maintaining democratic politics.⁷²⁸ While a combination of elite behaviour and institutional flaws have contributed to post-2003 ethnic fractionalization, we see a replication of the causal mechanisms predicated on the following conditions:

- a) Preceding patterns of governance under a highly centralized and autocratic presidential system dictated the institutional choices of incumbent elites following authoritarian breakdown;
- b) For previously excluded elites, political institutions became a remedial tool for reversing and reinventing state ownership, which has produced ethnic winners and losers rather than moderation and consensus;
- c) State reconfiguration during this critical juncture reformulated the state, its structures, centres of power, and institutions but failed to devise institutional formulas for incentivizing cross-cutting ethnic elite bargaining—a critical element in a consociational system that would mitigate ethnic triggers by reconciling group-based demands within the political process.

Thus, we see an attempt to diverge from the preceding path during this critical juncture as manipulative elites from previously excluded groups recapture the state and redefine it in accordance with past grievances stemming from their exclusion. This, in turn, has fostered discrimination and incentivized the mobilization against ethnic foes, all of which have contributed to the hardening of ethnic boundaries and the escalation of conflict.⁷²⁹

⁷²⁷ Nancy Bermeo, "Democracy and the Lessons of Dictatorship," *Comparative Politics* 24.3 (April 1992): 273.

⁷²⁸ Sunil Bastian and Robin Luckham, "Conclusion: the Politics of Institutional Choice," in *Can Democracy be Designed?* Eds., Sunil Bastian and Robin Luckham (New York: Zed Books, 2003), 305.

⁷²⁹ Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington: United States Institute of Peace, 2002), viii-ix.

I attribute the spike in post-2003 ethnic strife to structural incongruities embedded in the initial policies and the application of institutional choices made under an externally imposed transition and statebuilding as well as the behaviour of ethnic elites that have reproduced political exclusion and re-emergent authoritarianism. In the first instance, regime collapse and the subsequent dismantling of the state resulted in the creation of formal democratic institutional arrangements without the institutionalization of substantive democratic politics. The absence of initiatives that would have bolstered a check on the executive, the implementation of rule of law, separation of powers, and the redistribution of power that could facilitate citizen access to decision making processes, produced critical democratic deficits.⁷³⁰ This was exacerbated by a rupture in the preceding governing equilibrium following autocratic breakdown that resulted in the reconfiguration of asymmetrical power relations that reinforced ethnic dominance, exclusion, and authoritarianism as observed by Maliki's polarizing rule.⁷³¹ As demonstrated in the preceding sections, institutional constraints that fostered the exclusion and purging of large segments of the Sunni ruling elite and the country's security sector through de-Baathification and the dissolution of political and military entities set in motion the parameters of exclusion and violent political mobilization against the emergent state by Sunni Arabs who lost ownership of the state.

As a foreign occupying power, the CPA engaged in statebuilding without peacebuilding. Whereas the former requires the "strengthening or construction of legitimate governmental institutions," the latter denotes "efforts to create conditions in

⁷³⁰ Sunil Bastian and Robin Luckham, 19.

⁷³¹ Ibid, 309.

which violence will not recur.”⁷³² Further confounding Iraq’s post-2003 governing trajectory was the absence of a concerted effort on the part of the CPA and coalition allies to foster initiatives that would promote nationbuilding predicated on the “strengthening of a national populations collective identity, including its sense of national distinctiveness and unity.”⁷³³ In fact, institutional engineering failed to devise tangible institutions that promoted interethnic cooperation and the depoliticization of civic space and devise efforts to foster national unity, which can serve as a background condition for democratization.⁷³⁴ The permeation of ethnic parties and coalitions over secular and cross-communal ones are a product of expedient statebuilding and the imposition of a faulty institutional design by the CPA that restructured political life along past historical grievances in the absence of an institutional mechanism that would mediate group grievances such a national reconciliation and the incomplete application of power-sharing arrangements that enabled ethnic elites to politicize grievances within the electoral arena.

In accounting for these critical institutional choices, the contention here is more with democratic deficiencies rather than with *institutional typology*; i.e. the escalation of conflict rests less with the consociational model and power-sharing arrangements and more with *how* these institutions were created and structured to serve the interests of previously excluded ethnic elites. Moreover, institutional and substantive deficits stemming from expedient democratic reconfiguration as discussed above suggest

⁷³² Roland Paris and Timothy D. Sisk, “Introduction: Understanding the contradictions of postwar statebuilding,” in *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, eds., Roland Paris and Timothy D. Sisk (Oxon: Routledge, 2009), 14.

⁷³³ Paris and Sisk, 15.

⁷³⁴ Dankwart A. Rustow, “Transitions to Democracy: Toward a Dynamic Model,” *Comparative Politics* 2.3 (April 1970): 351.

structural conditions that have collectively limited the space and exercise of political moderation “facilitated by the capacity of a system to resolve key dividing issues before new ones arise.”⁷³⁵ The emphasis on institutions is predicated on the contention that political institutions shape and determine the logic and outcomes of democracy,⁷³⁶ and the trajectory of ethnic elite political behaviour can be explained by contextualizing it within the given institutional deficits following regime collapse.

While Iraq’s institutional design enables us to situate the country’s political developments since 2003, the behaviour of ethnic elites within the given institutional setting and the reproduction of exclusionary politics have equally hampered democratic consolidation. In particular, Shi’i Arabs and Kurds have used past grievances against Sunni Arab domination of the state to negotiate their position in the post-2003 order. The outcome has been the ethnic recapturing of the state and its reorientation to accommodate those grievances while fuelling counter reactions from Iraq’s Sunni Arabs resulting in the hardening and intransigence of their demands. Smaller minorities such as Turkmen, Assyrians, Yazidis, Mandeans and Shabaks have suffered more in proportion to their numbers and status post-2003 due to their systematic targeting by extremist groups, their discrimination and marginalization from the political process, and more recently, the ethnic cleansing and mass purging of these minorities groups following ISIL’s advancement into Iraq. The behaviour of ethnic elites cannot be taken out of the institutional and political context in which they operate, particularly as exogenous

⁷³⁵ Seymour Martin Lipset, “Some Social Requisites of Democracy: Economic Development and Political Legitimacy,” *American Political Science Review* 53.1 (March 1959): 97, 102.

⁷³⁶ Thelen and Steinmo (1992), 13.

statebuilding can foster weak statehood as state and sub-national elites seek to maintain their own strategic interests at the expense of the peace and statebuilding process.⁷³⁷

Punctuated by the aforementioned incongruities in the statebuilding process, domestic and external factors have amplified ethnic fault lines following regime collapse. Militant Sunni-Arab resistance to the new regime that catapulted Shi'i Arabs and Kurds to power was exacerbated by both regional and domestic factors. First, the disinclination of Sunni Arabs, Ba'thists and their neighbours to accept Shi'i ascendancy coupled with the growing intransigence of their demands has gravely affected the democratic consolidation and the escalation of violence.⁷³⁸ Thus, domestic instability resulting in state weakness emanating from the reconfiguration of ethnic dominance following regime collapse in 2003 has been markedly influenced by wider regional developments. Capitalizing on Sunni-Arab grievances, Islamist groups such as Al-Qaeda, initially led by the Jordanian Islamist Abu Musab al-Zarqawi, have contributed to ethnic polarization as regional rivalries vie for influence and control.⁷³⁹ Likewise, Iran's meddling in Iraq's affairs to counter Sunni-Arab regional hegemony has been equally damaging to national reconciliation and democratic consolidation.

On a domestic level, Maliki's increasingly divisive policies toward any person or group, but particularly Sunni Arabs using the judiciary, security forces, and de-Baathification intensified tensions for a community that had already felt it had lost control

⁷³⁷ Michael Barnett and Christoph Zurcher, "The peacebuilder's contract: how external statebuilding reinforces weak statehood," in *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, eds., Roland Paris and Timothy D. Sisk (Oxon: Routledge, 2009), 24.

⁷³⁸ Shireen T. Hunter, "The Real Causes of Iraq's Problems," *Lobellog* June 14 2014: <http://www.lobelog.com/2014-06-the-real-causes-of-iraqs-problems/>

⁷³⁹ Saouli (2015): 325; Dodge (2012), 60-1.

of the state.⁷⁴⁰ His use of the electoral process, the judiciary and the Supreme Court, de-Baathification, and the state's security forces to marginalize the Sunnis aggravated that community's response to the emergent order.⁷⁴¹ As succinctly noted by Saouli, Shi'i ascendancy in governing the state has produced a diametrically opposite reaction from Sunnis who had controlled the state since its colonial creation. Thus, Sunni resistance has "reinforced the Shi'a drive to monopolize power. The Shi'as fear of a reversal of the state-building process and Sunni perception of marginalization entrenched the Shi'a-Sunni divide."⁷⁴² This feedback loop, shaped by both regional and domestic problems, has dictated sectarian strife.

The increasingly divided political arena is also indicative of the failure of ruling elites to depoliticize the security sectors by devising a policy to integrate all armed forces within the state among other structural factors have also contributed to ethnic grievances post-2003. A quantitative measure of this analysis using basic descriptive statistics highlights these the challenges these issues pose to the post-2003 order. Using the Fragile State Index, I isolate seven social, political and military indicators:

Dependent Variable (DV): *Group Grievance (GG)* (measured by the presence of discrimination, powerlessness, ethnic violence, communal violence, sectarian violence, and religious violence)

Independent Variables (IV): *state legitimacy (SL)*, *public services (PS)*, *human rights and rule of law (HR)*, *the security apparatus (SEC)*, *fractionalized elites (FE)*, and *external intervention (EXT)* as the IVs.⁷⁴³

⁷⁴⁰ Reidar Visser, "Iraq's New Government and the Question of Sunni Inclusion," September 2014: <https://www.ctc.usma.edu/posts/iraqs-new-government-and-the-question-of-sunni-inclusion>

⁷⁴¹ Al-Ali (2014), 132-38.

⁷⁴² Saouli (2015): 325.

⁷⁴³ For a full description of the indicators and the specific variables measured, see The Fragile State Index: <http://ffp.statesindex.org/indicators>

The variables are coded on a scale of 10 (10 indicating extremely high pressures and fragility and 0 being the least). The sum of each variable, coded from 0-10, is aggregated from 2005-2014 (the earliest to the most recent data available). I applying multiple linear regressions to measure the impact of the IVs on the DV in order to better elucidate the institutional variables that have had the greatest impact on group grievance from 2005-2014. Due to the scarcity of data on Iraq, this dataset was selected as it contained the most comprehensive and up to date variables for analyzing ethnic grievances in the country. Moreover, the availability of data beginning in 2005 complements political developments in the country, particularly with the first elections and the subsequent rise of Al-Maliki's rule until his ousting in 2014.

A multiple linear regression was calculated to predict the impact of IVs on the DV.

The findings are demonstrated below.

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.980 ^a	.960	.881	.18905

a. Predictors: (Constant), External Intervention, Security Apparatus, State Legitimacy, Fractionalized Elites, Human Rights and Rule of Law, Public Services

ANOVA^a

Model	Sum of Squares	df	Mean Square	F	Sig.
1 Regression	2.597	6	.433	12.110	.033 ^b
Residual	.107	3	.036		
Total	2.704	9			

a. Dependent Variable: Group Grievance

b. Predictors: (Constant), External Intervention, Security Apparatus, State Legitimacy, Fractionalized Elites, Human Rights and Rule of Law, Public Services

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	-10.862	8.480		-1.281	.290
State Legitimacy	-.351	.371	-.222	-.945	.414
Public Services	.789	.963	.601	.819	.473
Human Rights and Rule of Law	.045	.328	.048	.138	.899
Security Apparatus	1.449	.569	1.283	2.547	.084
Fractionalized Elites	.528	.825	.132	.640	.568
External Intervention	-.265	.235	-.361	-1.127	.342

Dependent Variable: Group Grievance

The predicated y model for this equation is:

$$Y = -.351x_1 (\text{state legitimacy}) + .789x_2 (\text{public services}) + .045x_3 (\text{human rights and rule of law}) + 1.449x_4 (\text{security apparatus}) + .528x_5 (\text{fractionalized elites}) - .265x_6 (\text{external intervention}) - 10.862$$

Although individually none of the IV variables are statistically significant on their own, but together regressed to *group grievance*, they demonstrate a strong relationship between the DV and IVs. An R Square of .960 demonstrates that 96% of variation in the DV can be explained by the collective impact of the IVs, which denotes a strong effect of the IVs on the DV. Similarly, an ANOVA significance of 0.33 or 97% reiterates the strength of the relationship between the IVs and the DV; thus, rejecting a null hypothesis.

The analysis above demonstrates that the security apparatus followed by public services and fractionalized elites have the highest impact on group grievances. This

relationship can be explained by the breakdown in the security environment following the dissolution of the state's army and key security forces and the absence of security sector reform and DDR of soldiers, ex-combatants, and militia personnel. A key impediment to security sector reform has been the ethnification of the state's security services, including the army but particularly the Federal Police, which played a direct role in enflaming sectarian tensions.⁷⁴⁴ The weakening of the state's institutional capacity and the abolishment of its security sectors following state collapse facilitated the formation of ethnic militias and paramilitary groups that sought to fill the security vacuum.⁷⁴⁵ Maliki's centralization of key security posts exacerbated sectarian tensions. Between 2006-2014, the then Prime Minister's attempt to centralize the state's security forces was reflected in the formation of two extra-constitutional committees— the Office of the Commander in Chief and the proliferation of Provisional Command Centres, and the formation of the Counter-Terrorism Bureau as a ministerial body directly linked to the PM's office cemented his grip on the state's security sectors, the army, and intelligence agencies.⁷⁴⁶ This enabled the PM to bypass parliament, which subverted the power of the legislature to control the power of the PM's office and made Iraq's Special Forces, commonly dubbed as "*Fedayeen al-Maliki*", "the personal coercive tool of its prime minister."⁷⁴⁷ The advancement of ISIL into predominantly Sunni Arab territories and the immediate collapse of the state's security sectors with many generals and soldiers either abandoning

⁷⁴⁴ Dodge (2012), 125-6.

⁷⁴⁵ Toby Dodge, "State Collapse and the Rise of Identity Politics," in *Iraq: Preventing a new Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone and Ben Rowswell (Boulder: Lynne Rienner Publishers, 2007), 29-33.

⁷⁴⁶ Dodge (2012), 127-9.

⁷⁴⁷ Ibid, 129.

their posts or joining ISIL fighters is symptomatic of the inability of the state to consolidate its security sectors and the increasingly divisive political arena that had emerged since Maliki's accession to power.

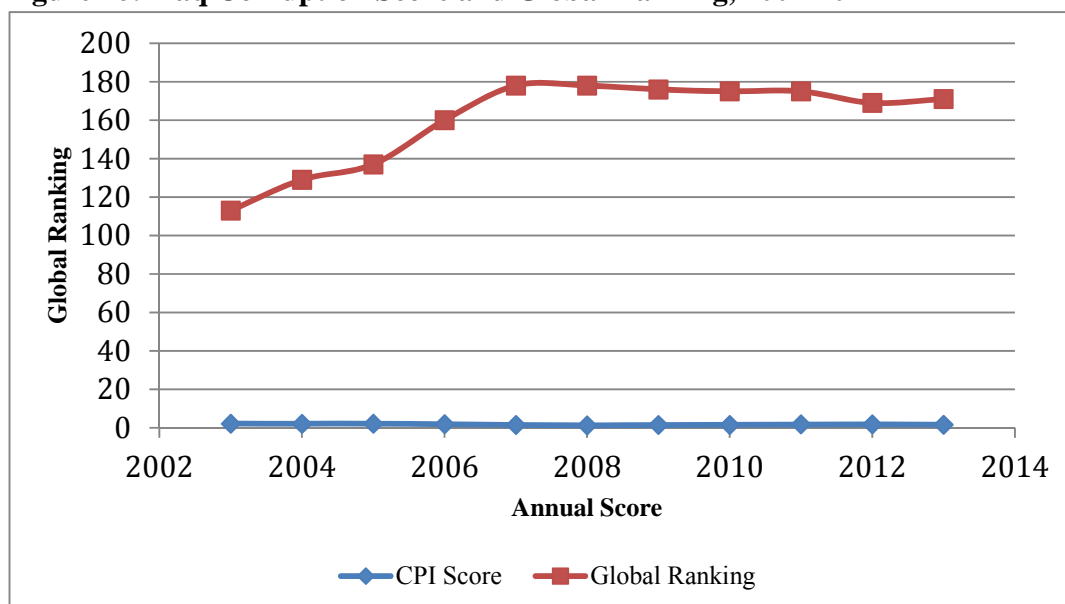
A strong relationship between group grievances and public services reflects the regionalization of Iraq's domestic boundaries which has also produced ethnic polarization of economic outcomes. Whereas the Shi'i south and the northern semi-autonomous Kurdistan region enjoy more socio-economic stability and prosperity stemming from oil outputs and greater security, the predominantly Sunni-Arab central region and provinces experience the most stagnation due to the breakdown in the security environment, the pervasiveness of ethnic strife, and increasing political factionalism and regional meddling.⁷⁴⁸ Group grievances are also indicative of the precarious relationship between Baghdad and the KRG over oil revenues, distribution, and production, have undermined national unity and the capacity of the government to mitigate ethnic tensions over natural resources. Tensions escalated when the central government under Maliki cut off the allotted 17% budget to the KRG in early 2014 as punishment for the KRG's independent oil exports, a move that contravenes natural resource management according to the 2005 constitution, which both parties diverge on its interpretation.⁷⁴⁹ Overall, however, socio-economic stagnation cuts across ethnic and sectarian lines due to government incoherence, incompetence and the mismanagement of funds allotted for public service provision

⁷⁴⁸ *The Economist*, "Iraq Ten Years on: the Slow Road Back," March 2 2013: <http://www.economist.com/news/briefing/21572777-decade-after-american-led-invasion-iraq-place-patchy-progress-and-dysfunctional>

⁷⁴⁹ Suadad al-Salhy and Alistair Lyon, "Iraq's Maliki Threatens to cut funds if Kurds pipe oil to Turkey," *Reuters*, January 12 2014: <http://www.reuters.com/article/2014/01/12/us-iraq-kurdistan-oil-idUSBREA0B0AY20140112>

particularly under Maliki's two terms as PM aggravated Iraqis discontent with an increasingly divisive government.⁷⁵⁰ Likewise, the link between group grievances and public services is an outcome of high levels of corruption coupled with socio-economic disparity amid high oil production rates and increased oil revenues since 2003.⁷⁵¹ Corruption is another contributing factor to the overall stagnation as demonstrated by Iraq's ranking in the Corruption Perception Index (CPI) score. As demonstrated in Figure 16, a steady increase in Iraq's corruption and global ranking score makes it one of the most corrupt countries in the world.

Figure 16: Iraq Corruption Score and Global Ranking, 2002-2014



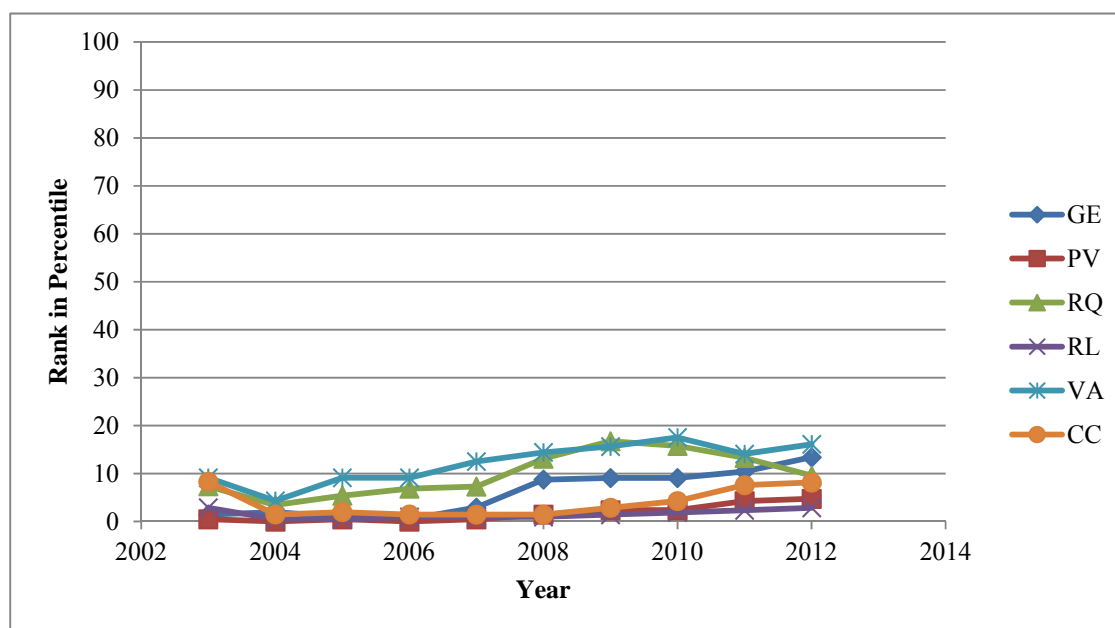
Data source: Transparency International, *Corruption Perceptions Index*.

⁷⁵⁰ Al-Ali (2014), 174-76.

⁷⁵¹ Jon Pedersen, "Three Wars Later...Iraqi Living Conditions," in *Iraq: Preventing a new Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone and Ben Rowsell (Boulder: Lynne Rienner Publishers, 2007), 56-69.

Moreover, sluggish and marginal improvements of the judicial sector and rule of law explain the effects of the security apparatus, public service provision and human rights and rule of law on group grievances as measured by the World Bank Development Indicators for Iraq from 2003-2012:

Figure 17: Iraq World Governance Indicators, 2003-2012



Source: The above graph measures Governance Effectiveness (GE); Political Stability and the Absence of Violence (PV); Regulatory Quality (RQ); Rule of Law (RL); Voice and Accountability (VA); and Control of Corruption (CC), see World Bank, *Worldwide Governance Indicators: Iraq* <http://databank.worldbank.org/data/views/variableSelection/selectvariables.aspx?source=world-development-indicators>

Likewise, a significant correlation between group grievances and fractionalized elites speaks to an increasingly fractionalized political arena whereby elites and entrepreneurs capitalize on group grievances as the primary drivers of political mobilization. As discussed, this has been as a result of a convergence of structural and institutional factors

and the behavior of ethnic elites within the given political system all of which reflect an absence of moderation and conciliatory politics.

Attempts at national reconciliation over the past eleven years failed to materialize. On January 14 2004, Regulation No. 4 of the Coalition Provisional Authority (CPA) established the Iraqi Property Reconciliation Facility with the aim of resolving property claims disputes relating to the Ba‘th Party’s Arabization policies aimed at altering the demographic and communal composition of strategic towns and neighbourhoods throughout the 1980s and 1990s. Although progress has been slow due to the security situation and the continual remapping of districts, towns, and cities, this institutional mechanism nevertheless created a forum for managing territorial and property disputes during this critical period of statebuilding throughout the country. Similarly, CPA Order No. 82 of April 28 2004 established the Iraqi National Foundation for Remembrance in order to memorialize the victims of the preceding regime. Additionally, the Foundation sought to hold officials accountable for the atrocities committed against the Iraqi people under the previous regime and promoting public education initiatives to safeguard against future human rights abuses, while, simultaneously, commemorating the victims of the Ba‘thist regime through the erection of public monuments, memorials, and historic sites and artistic exhibitions. However, lack of funding coupled with a decline in political will from Iraq’s communal elites has derailed implementation of these initiatives.

Accordingly, in an effort to prevent Iraq’s descend into a full-scale civil war in 2006, Prime Minister Nouri al-Maliki had announced a 24-point national reconciliation scheme, which included disarming communal militias, reversing the stringent de-Baathification laws, granting amnesty to members of insurgency groups, followed by a

national reconciliation conference aimed at mending communal tensions between Iraq's religious and ethnic groups. The proposal, however, was shelved as a result of the growing sectarian rift resulting in a deterioration of the country's security environment and al-Maliki's increasingly divisive and authoritarian governing tactics stemming from his targeting of Sunni-Arab politicians, the monopolization of the state's security forces, and his disinclination to govern inclusively. External attempts at reviving national reconciliation in Iraq include a conference hosted by the United States Institute of Peace in 2008 entitled *New Avenues for National Reconciliation in Iraq*, which included panellists from Iraq's ethnic and sectarian groups. Correspondingly, the U.N. Security Council and the United Nations Assistance Mission for Iraq (UNAMI) have repeatedly called for the institutionalization of a national reconciliation mechanism as a political process for both boosting national dialogue and for mitigating growing tensions between Iraq's ethnic and religious groups.

Efforts have also been made within civil society to create institutions that foster inter-religious and inter-ethnic dialogue between various communal groups. One such effort has been the formation of the Iraq Interfaith Dialogue, which initially began as an initiative to reach out to Iraq's Assyrian Christian community and other minority communities such as Mandeans and Yazidis who had been systematically targeted by extremist Islamic groups such as Al Qaeda Iraq and more recently ISIL. The initiative has been supported by Iraq's highest Shi'i religious establishments with the aim to increase public diplomacy by raising awareness about Iraq's various religious and ethnic communities, reorienting Iraq's current education curriculum to include religious and cultural understanding and tolerance, and perhaps as importantly, engaging religious

leaders across ethnic and sectarian divided and give them a stake in the reconciliation process as integral “parts of the solution, not just the problem.”⁷⁵² Thus, the inability of ethnic elites to reconcile and accommodate inter-communal grievances and its lack of prioritization as a policy initiative has markedly affected national reconciliation efforts resulting in a failure to institutionalize and implement it within existing governing structures.

Conclusion

In sum, two constraining factors account for Iraq’s protracted ethnic conflict post-2003. The first relates to the sequencing of expedient statebuilding as a result of external intervention following regime collapse. The American-led invasion not only destroyed Iraqi state capacity, but inadequacies in the transitional statebuilding period provided the institutional opportunity structures for replicating authoritarian and exclusionary governance. Fuelling ethnic discord has been the inadequate application of power-sharing to a political arena previously closed off to accommodative institutions that enabled previously excluded elites to replicate and sustain previous patterns of governance in their attempt to recapture the state. In particular, incongruities in the CPA’s statebuilding policies and its failure to devise parallel institutions, such as DDR and a national reconciliation commission, to address deeply-seated ethnic grievances and political divides exacerbated the ethnification of the emergent democratic order as the new governing elite relied on ethnic mobilization as a defining marker of group membership.

⁷⁵² Author interview with Saad Salloum, director of the Iraq Interfaith Dialogue, October 7 2014.

Second, the behaviour of ruling elites and the ethnic recapturing of the state have replicated preceding exclusionary governing patterns dictated by both domestic and regional polarization. Consequently, the opening of the contestable political space during the democratization process⁷⁵³ in Iraq has been characterized by elites who have reframed state ownership as a zero-sum game of winners and losers based on past grievances, resulting in the permeation of ethnic attachments over a more inclusive civic identity that binds ethnic elites to the democratic process. This path dependent relationship has become increasingly difficult to alter as the costs of switching to more inclusive and representative alternatives could yield new power dynamics that alter the ownership and control of the state.

To recapitulate, critical decisions and policy choices during the democratization process set the institutional playing field and determined the causal pathway, producing three interlocked outcomes that have defined the scope and level of ethnic mobilization:

- a) Incumbent ethnic elites, primarily Shi'i Arabs and Kurds, sought to recapture the state in order to reconstitute and redefine the 'rightful' and 'legitimate' ownership of the state predicated on preceding patterns of authoritarian ethnic dominance that culminated in their suppression and exclusion from the centres of power.
- b) Elements of the *ancien regime*, which was characterized by Sunni Arab control of the state since the time of state formation, have been both excluded for fears of their loyalty to the Ba'thist regime and have also been disinclined to accept a new emerging order and their loss of the state.
- c) The resultant political field has been characterized by the reversal in the ethnic dominance of the state, the replication of exclusionary and authoritarian governance (albeit, with new actors, interests, and dynamics), and the *ethnification* of the political arena.

⁷⁵³ Karen Guttieri and Jessica Piombo, "Issues and Debates in Transitional Rule," in *Interim Governments*, Karen Guttieri and Jessica Piombo, eds. (Washington, D.C.: United States Institute of Peace Press, 2007), 4.

These factors have subverted the potential for the formation of an accommodative political playfield and have hampered the legitimacy of democracy as a governing system in post-2003 Iraq.⁷⁵⁴ As a result, incumbent elites transposed exclusion and authoritarian governance based on their historical grievances resulting in the reproduction and (re)-institutionalization of ethnic discord. Consequently, the reproduction and replication of exclusionary governing strategies has obviated the capacity of ethnic elites to both deviate from this pattern and devise conciliatory institutions that would mitigate group-based conflict post-democratization.

⁷⁵⁴ Diamond (1994), 13.

Conclusion

Recapitulating the Puzzle

The puzzle underpinning this dissertation of why it has been difficult to govern Iraq as a divided society even following authoritarian breakdown and democratization continues to grapple academics and policymakers, alike. I use the term ethnic conflict for greater conceptual rigor that more accurately reflects the theoretical and empirical puzzle this research seeks to explain. In doing so, I move beyond an analysis of sectarianism in Iraq that emphasizes the triumvirate group narrative of Sunni, Shi'i, and Kurds, to include both majority and minority groups such as Turkmen, Assyrians, Yazidis, Shabaks, and Mandeans affected by ethnic strife in and who share equally relevant grievances against the state. In order to reconceptualize the roots of ethnic discord, I have proposed an explanation of ethnic conflict that situates group grievances along a historical continuum of the failure of ruling elites to devise institutions that could accommodate and consolidate group demands throughout three formative statebuilding periods. Framing the evolution and development of ethnic conflict along a given temporal setting facilitates a more contextual analysis of the processes and institutional mechanisms that fuel ethnic grievances against the state. By systematically analyzing the institutional conditions that have determined ethnic grievances, this research has sought to explain the historical legacies of early institutional engineering as manifested by the presence of two variables—exclusion and authoritarianism.

As a divided society plagued by a violent struggle over the state's ownership and the latter's grapple with survival and legitimacy, elites operating within Iraq's institutional setting have played a formidable role in exacerbating ethnic discord state due to their inability to consolidate group grievances and foster a horizontal civic identity based on citizenship. Specifically, the socio-cultural and political stratification we observe following regime collapse in 2003 is a corollary of an increasingly fragmented political culture and arena where past and contemporary grievances have come to be viewed and experienced through an ethnic prism influenced by the presence of four interlinked and often overlapping factors: state weakness and secessionist movements, discriminatory political institutions, exclusionary nationalist ideologies and contentious inter and intra-group politics at the mass and elite levels.⁷⁵⁵ Economic and social factors rooted in economic problems and a discriminatory economic system that determines the distribution of resources and privileging one group over another also affect group grievances. Lastly, cultural and perceptual factors produced patterns and processes that led to cultural discrimination resulting in the imposition of an official language, destruction of material culture resources, the prohibition of cultural practices and traditions, and conflicting group histories that include instances of genocide and ethnic cleansing.⁷⁵⁶

By identifying and assessing both ruptures and continuities during critical statebuilding junctures throughout three formative time periods that frame the temporal setting for the present inquiry, we observe that institutions created and fostered patterns of ethnic dominance of the state during the period of state formation by which successive

⁷⁵⁵ Stefan Wolff, *Ethnic Conflict: a Global Perspective* (New York: Oxford University Press, 2006), 68-9.

⁷⁵⁶ Wolff (2006), 68-9.

ruling elites configured the state. While true that the violent permeation of ethnic conflict in post-2003 Iraq can largely be attributed to an expedient statebuilding process imposed by an external invasion and subsequent occupation of the country, the grievances that frame group mobilization are also a manifestation of historical processes that set the path for the ethnification of the state. Whereas Sunni-Arabs dominated the institutional parameters of the state since state formation and the monarchical period and subsequently under the under the Ba'th, post-2003 marked a reversal in the patterns of ethnic dominance by the previously excluded Shi'i Arabs. Here, we observe that previously excluded elites have replicated preceding authoritarian patterns of governance by making institutions subservient to the interests of their intra-group elites rather than cutting across ethnic boundaries. Furthermore, the inadequate implementation of consociationalism and power-sharing institutions post-occupation produced a diametrically opposite effect that enabled previously excluded ethnic elites to reproduced preceding governing patterns that reoriented the state and democratic institutions toward an exclusionary and authoritarian trajectory. I argue this largely rests largely with past grievances of previously excluded groups that, while seeking to 'own' the state, have produced new and equally divisive forms of governance based on their historical experience with exclusion and authoritarianism.

An Overview of the Work and Argument

The key finding of this study is that early forms of institutional exclusion and authoritarianism during the critical period of state formation set the path by which successive ruling ethnic elites dominate the state and its institutions. The diffusion of these

variables across time created a path dependent trajectory of how successive ruling elites control a divided society. I argue that the fragmentation of Iraq's political sphere can be attributed to the level of ethnic elite fractionalization as reflected in the relationship between the state's political institutions and its constituent social forces.⁷⁵⁷ The outcome produces ethnic dominance of the state by a ruling ethnic elite and results in the institutionalization of these governing patterns. Since the institutionalization of a political system denotes a "process by which organizations and procedures acquire value and stability...defined by the adaptability, complexity, autonomy, and coherence of its organizations and procedures,"⁷⁵⁸ ruling elites replicate and reproduce patterns of exclusion and authoritarianism and are unable to diverge from preceding governing paths since doing so alter the dynamics of state ownership.

I have argued that ethnic conflict in divided societies like Iraq emerges as a social process that unfolds overtime and with divergent outcomes during critical statebuilding periods. Specifically, I posited that, at least in the present case, paying attention to the "*longue durée*" rather than taking 'snapshot' views of ethnic conflict aids in elucidating a more contextual and thus historical account of the institutional mechanisms at the root of ethnic fractionalization and group grievances.⁷⁵⁹ Here, I attribute early and contemporary struggles with ethnic strife to the country's institutional development that became the structures for the application of exclusionary governance. Framing the institutional origins of exclusion and authoritarianism enables us to identify the factors

⁷⁵⁷ Huntington (1968), 8.

⁷⁵⁸ Ibid, 12.

⁷⁵⁹ Pierson (2004), 79.

that cemented ethnic conflict as a response to institutional barriers during formative statebuilding periods. Thus, while true that “ethnicity could be a necessary but not always a sufficient condition for violent conflict formation,”⁷⁶⁰ the exclusion of ethnic groups from the state’s institutional and governing structures created the necessary conditions for ethnic mobilization against the state.

I have postulated that explaining and understanding the country’s current grapple with ethnic violence requires an analysis of the impact of preceding historical processes and governing tactics on group mobilization post-2003. Attention here is paid to timing and sequencing in the given temporal setting in order to situate the causal chain and identify when institutional constraints emerged under formative conjunctures in Iraq’s political history since “self-reinforcing processes affecting a particular aspect of political and social life can transform the consequences of later stages in a sequence.”⁷⁶¹ Drawing on theoretical insights from state formation, governing in divided societies, and historical institutionalism, I identify the causal mechanisms that affected how ethnic groups in Iraq have negotiated their position in the state under successive statebuilding periods and produced structural and institutional constraints. Thus, this work is much less concerned with *how* Iraq’s ethnic divisions came about than with *why* and under *what* institutional conditions that led groups to mobilize against the state. The argument is summed as follows:

- The historical legacies of exclusionary institutional configurations cemented group grievances along ethnic and religious lines;

⁷⁶⁰ Christopher J. Bakwesegha, “Ethnic Conflict and the Colonial Legacy,” In *Facing Ethnic Conflicts*, eds., Andreas Wimmer et al (Lanham: Rowman and Littlefield, 2004), 54.

⁷⁶¹ Pierson (2004), 12-13.

- Ethnic conflict is a social process that unfolds overtime and in a given temporal setting;
- The presence and persistence of exclusion and authoritarianism as causal mechanisms explain ethnic grievances against the state;
- Explaining the difficulty in governing Iraq as a divided society requires an analysis of the asymmetrical power relations embedded in state institutions rather than primordialist group attachments alone;
- Exclusion and authoritarian governance are two variables that aid in understanding the vertical power dynamics that shape ethnic mobilization against the state;
- Placing these variables along a historical continuum enables us to delineate the historic causal processes underpinning contemporary ethnic grievances;
- Ethnic elites produce and reproduce the institutional parameters of inclusion and exclusion in divided authoritarian states.

The temporal causal chain began in chapter three with an exploration of the regional and domestic factors that led to exogenous formation of the Iraqi state by British colonial powers following the collapse of the Ottoman Empire and the emergence of a contiguous nation-state system. Using British archival sources alongside Iraqi government documents, the first empirical chapter outlined the processes and the conditions that defined and determined the parameters of inclusion and exclusion in the emergent monarchy. We observe that early statebuilding produced ethnic winners and losers as Sunni-Arabs came to dominate the governing institutions of the state in order to largely serve British colonial interests in the country and the region and as a way of managing an otherwise highly fragmented but newly centralized nation-state. A detailed analysis of the state's governing institutions, laws, decrees, parliamentary representation, political parties, and civic associations reveals the institutional and structural barriers to non-Sunni Arab incorporation in the state. Overlapping the structural with the societal, I demonstrate how

and why institutional barriers cemented ethnic strife as excluded groups challenged the imposed status quo of the Sunni-Arab ruling elite.

I argue that this initial policy produced three interdependent outcomes. First, it set the preference for the ethnic control and dominance of the Sunni-Arab minority as the guardians of the state and its governing structures and institutions. Second, it set a path dependent trend by which successive Sunni-Arab ruling elites came to govern Iraq as the guarantors of the state. Third, the exclusion of the majority Shi'i Arabs as well as other ethnic minorities including the Kurds, Turkmen, Assyrians and Yazidis from the centres of power led to the ethnification of grievances resulting in their mobilization against the state and the further fractionalization of Iraq's diverse and complex socio-cultural fabric. This, in turn, obviated the emergence of inclusive and representative governance bounded by civic principles of citizenship. This, I argue, set the barometer by which successive ruling elite in Iraq, particularly under the Ba'athist period structured the state and Ba'athist ideology to accommodate Pan-Arab socialism as a way of controlling a divided society.

In chapter four, I assessed the historical governing conditions and institutional mechanisms under the monarchy that led to its toppling and the birth of the republic in 1958. Between 1958-1968, we observe a confluence of shifting ideologies that affected, and to an extent, shaped the governing choices of ruling elites. In particular, growing tensions between the Iraqi communists— arguably, the most ethnically diverse party to have emerged in Iraq to date, and the growing power of the pan-Arab Ba'ath socialist party divided an already fragmented political arena. The latter's consolidation following the Ba'athist takeover in 1968, and the subsequent rise of Saddam Hussein as the president of the Revolutionary Command Council (RCC) in 1979, ushered in three decades of

authoritarian rule permeated by a highly militarized and centralized state and governing institutions. Based on an extensive analysis of the state's institutions, laws, constitutions, governing decrees, and Ba'athist state documents, I argue that exclusion and authoritarianism were sustained by the regime's ideology and structural diffusion in society coupled with Saddam Hussein's personalistic rule sustained by a patrimonial system of Sunni-Arab, Tikriti rule. While true many Shi'is served in the armed forces and at some hierarchical levels of the RCC, the overwhelming majority of the upper echelons of the RCC's, including those serving in key executive posts, remained Sunni-Arabs.

Under this time period, ethnic parties emerged in opposition to Ba'athist pan-Arabist ideology and Hussein's increasingly autocratic and praetorian rule that reinforced the military's intervention in politics as a mechanism for controlling a divided society.⁷⁶² As laws and decrees placed limits on civic engagement and the regime penetrated the economic, social, and political spheres, groups formed to challenge the state and regime. We also observe that the almost absolute purging of the Iraqi Communist Party and the suppression of its members both obviated inter-ethnic cooperation and fuelled the formation of intra-ethnic opposition groups and dissident networks. Increasing resentment toward Sunni-Arab domination of the state and its institutions legitimized ethnic claims against the state as observed by the efforts of opposition groups operating in Iraqi Kurdistan after the imposition of the 1991 no-fly zone and those residing in various Iraqi diasporic communities. These groups were instrumental in shaping the post-2003 transition whereby many resorted to their ethnic base for political support.

⁷⁶² Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), 195.

Chapter five marked the third critical juncture resulting from an external intervention that produced an almost absolute overhaul of the authoritarian state that existed for over three decades. Paralleling the developmental trajectory of the colonial period, American and British-led expedient statebuilding imposed democratic governance and an institutional overhaul of the country based on consociational power-sharing and proportional representation in the absence of the necessary conditions that could foster democratic consolidation. The latter entails a process whereby the “rules, institutions, and constraints of democracy come to constitute ‘the only game in town’ through shared norms, political trust, tolerance, the ability to compromise, and a belief in democratic legitimacy,⁷⁶³ which must be promoted and fostered alongside institutional reformulation during times of transition. Critical policies under the CPA, including de-Baathification, the dismantling of the army, the absence of a DDR mechanism, mounting corruption, and the reversal in the patterns of ethnic dominance under al-Maliki’s rule have affected the intensity of ethnic strife following authoritarian breakdown.

Evaluating the Empirical and Theoretical Contribution

The present inquiry has juxtaposed formative periods in Iraq’s statebuilding history with the country’s institutional design in order to elucidate the latter’s effect on ethnic mobilization. The application of a historical institutionalist approach has facilitated a more contextual analysis of the evolution of the causal mechanisms that affect the ethnic mobilization against. By systematically identifying the institutional parameters of

⁷⁶³ Larry Diamond, “Introduction: In Search of Consolidation,” in *Consolidating the Third Wave Democracies: Regional Challenges*, eds., Larry Diamond et al. (Baltimore: the Johns Hopkins University Press, 1997), xvi-xviii.

exclusion, I have argued that the surge in ethnic violence post-2003 must be conceptualized alongside the state's historical development that created institutional barriers to the incorporation of majority and minority groups. As succinctly noted by Waldman, what we observe post-2003 is a problem of perpetuation whereby "one of the typical traces of violence is a compulsory reaction of the same kind. Violent actions most probably lead to violent reactions...This produces a chain of successive violent actions, in which every action...is at the same time provocation and reaction, cause and effect."⁷⁶⁴

Explaining Ethnic Conflict, Exclusion, and Authoritarian Reversal

Since the creation of the state by British colonial powers, successive Iraqi leaders have grappled with devising institutional mechanisms for managing and governing a deeply divided state and society. By delineating the conditions that produce ethnic dominance in the given temporal setting for the given case, I posit that an analysis of institutions in the given temporal causal chain demonstrates the reliance on exclusion and authoritarianism as the causal mechanisms by which contending elites governed this divided society. Here, institutional constraints imposed a particularly ethnic order as a mechanism for preventing contending ethnic groups from contesting the state.

In Iraq, we observe a pattern of ethnic dominance of Sunni-Arabs as an outcome of British colonial policy for managing a society created out of an otherwise heterogeneous mix of ethnic and religious groupings from the three Ottoman provinces of Mosul, Baghdad, and Basra. These were previously governed under the *millet* system that

⁷⁶⁴ Peter Waldmann, "The Dynamics of Violence and the Dynamics of Peace" In *Facing Ethnic Conflicts*, eds., Andreas Wimmer et al (Lanham: Rowman and Littlefield, 2004), 100.

allotted religious groups some levels of autonomy in the administration of their internal affairs. The consolidation of Iraq into a nation-state and the subsequent instalment of a foreign, Hashemite monarchy that lacked indigenous support following its independence from British colonial rule in 1932 solidified Sunni-Arabs dominance of the state subsequently under Ba‘thist rule and until 2003. By engaging in a temporal analysis of the causal factors that drive ethnic mobilization, I have sought to explain how institutions, as the governing instruments of ruling elites, impose constraints on ethnic groups and why this produces counter-reactions from excluded groups that frame grievances in ethnic terms. As succinctly noted by Haddad, the “a-sectarian” ideals attempted by successive governments in Iraq prior to 2003 that attempted to subvert ethnic attachments often “entailed the suppression, censorship, and marginalization of such identities and of sectarian expression wherever they persisted.”⁷⁶⁵

An analysis of archival data illuminates a pattern of exclusion and ethnic dominance under successive authoritarian regimes, beginning with the period of state formation under British colonial tutelage. Beginning with the monarchy, Shi’i Arabs along with Kurds, Assyrians, Jews, Yazidis, and Turkmen were either underrepresented in high-ranking government posts (as was the case of the majority Shi’i Arabs and some Arabized Kurds), or were not represented at all. The toppling of the monarchy in 1958 and the creation of the republic culminated in the Ba‘thist takeover in 1968 dominated largely by Sunni-Arabs that imposed ideological (pan-Arabism) constraints on society through

⁷⁶⁵ Haddad, Fanar, “A Sectarian Awakening: the Reinvention of Sunni Identity after 2003,” *Hudson Institute*, (August 4 2014): <http://www.hudson.org/research/10544-a-sectarian-awakening-reinventing-sunni-identity-in-iraq-after-2003>

purges and prohibition on ethnic and religious identifications, a methodical Arabization campaign purposive of eliminating ethnic and religious social and territorial attachments, and the suppression of ethnic-based associational life. On an institutional level, continued amendments to the Purge Law of 1958 by successive regimes enabled ruling elites to legally, and often through extra-judicial means, to eliminate potential rivals and excluded groups from mobilizing against the state. An analysis of Ba‘thist state documents, constitutions, and laws and decrees of the RCC in Chapter two exposes both the regime’s level of penetration in society and its concern with ethnic dissidence and mobilization through civic organizations and political parties that were deemed a threat to national security and regime stability.

The collapse of the regime—and, by extension, the state, in 2003 as a result of the American-led invasion and subsequent occupation toppled one of the region’s most durable authoritarian regimes. While domestic, regional, and international factors have contributed to the escalation of ethnic strife in the country, I attribute ethnic fractionalization under this time period to elite behaviour and expedient statebuilding by American policymakers. In the case of the former, we observe a reversal in the ethnic dominance of the state attributed largely to the grievances of previously excluded majority and minority groups that saw 2003 as a critical opening in laying claim to the state and its confines of power. In particular, Nouri al-Maliki’s rule from 2006-2014 has been characterized by the exclusion and targeting of Sunni-Arabs, the rise and reliance of sectarian militias, and his increasingly authoritarian tendencies characterized by the centralization of power and the perversion of the ethnic bargaining formula implemented in the 2005 constitution and the consociational system.

While these factors have exacerbated ethnic tensions, expedient statebuilding by American policy makers imposed democratic power-sharing institutions in the absence of the necessary conditions for democratic consolidation. Specifically, de-Baathification created an institutional mechanism by which previously excluded ethnic elites purged perceived regime sympathizers resulting in the targeting of Sunni-Arab politicians and others who posed a threat to al-Maliki's increasingly authoritarian rule. Likewise, the absence of a DDR strategy, appropriate application of power-sharing and ethnic elite bargaining within the consociational framework, mounting corruption, and continued American meddling in Iraq's electoral process as seen in 2010 and the Obama administration's preferential support for al-Maliki amidst his electoral defeat, all affected Iraq's democratization trajectory that ultimately produced a stagnating and highly fractionalized state ten years following regime collapse. Moreover, the failure to institute a national reconciliation mechanism that could redress past atrocities of the Ba'athist era and ensure that ethnic grievances did not dictate the political process resulted in ethnic elites using the state, its governing institutions, and the consociational system not as instruments of power-sharing and constructive elite bargaining, but as remedial tools for framing ethnic interests and ownership of the state.

Explaining the conditions and processes that affect ethnic strife requires the identification of the institutional causal mechanisms that frame patterns of ethnic dominance that affect ethnic grievances. In the given case, early patterns of elite exclusion during the critical time of state formation determined the sequential response of ruling elites to contending forces, which, over time, set the path by which successive leaders came to view the state. The absence of an inclusive institutional design that could

accommodate and depoliticize group grievances throughout Iraq's history determined how ethnic elites negotiated their position in the post-2003 transitional order. Thus, the replication of preceding governing patterns and following regime collapse in 2003 points to the diffusion and permeation of these incongruities that provided the justification for the reversal of these governing dynamics by previously excluded incumbent ruling elites, namely the Shi'i and Kurds. This produced two diametrically opposite outcomes. First, it altered the power dynamics whereby the previously excluded Shi'i ruling elites have sought to claim the state based on past grievance stemming from their exclusion under preceding authoritarian governments. Second, the intransigence of Sunni-Arab demands resulting from their loss of the state and the permeation of ethnic and sectarian politics in the post-2003 order produced a Sunni-Arab 'sectarian awakening.'⁷⁶⁶

Empirical and Theoretical Implications

I have attempted to demonstrate that understanding ethnic mobilization following authoritarian breakdown and democratization in Iraq post-2003 must be analyzed along a historical continuum of past institutional conditions of exclusion and authoritarianism that fuelled mobilization and grievances against the state. Juxtaposing these findings alongside both exogenous and endogenous shocks, I have shown how and why institutional constraints imposed by ruling elites have both posed a persistent barrier to civic and democratic consolidation, which has markedly affected ethnic mobilization in response to exclusion and authoritarian governance. Thus, while ethnic strife is not in and of its self a product or the linear progression of inter-group hatreds, early incongruities of the

⁷⁶⁶ Haddad, (September 2014), 5.

country's institutional design during the critical period of state formation determined the sequential response of ethnic elites to the state.

To support the argument, I employed mixed methods research tools through the application of a comparative historical analysis using archival documents, state and regime sources, and descriptive statistics to triangulate the empirical findings. Archival and governmental data here were used to provide a systematic and nuanced understanding of how and why institutions, as the mechanisms that created and framed the political opportunity structures for mobilization, were designed and altered during critical statebuilding. Furthermore, by tracing the processes that produced the causal mechanisms that fuelled mobilization, this research has distilled the institutional variables that resulted in ethnic strife in Iraq across three critical junctures. The findings demarcate the institutional causal factors that triggered and determined the parameters of inclusion and exclusion in Iraq since the time of state formation and subsequent statebuilding. Moreover, this is the first study of its kind to systematically analyze and identify the longitudinal effects of institutional constraints on ethnic conflict in Iraq. Its key strengths are found in the extensive research conducted using both archival and government sources that produced the two aggregate indexes of laws and regulations that elucidate the institutional constraints throughout two critical time periods during early state formation and following the Ba'thist takeover.

Beyond its empirical contribution, this thesis fused three strands of literature on state formation, governing in divided societies and historical institutionalism. By analyzing the interplay between the historical development and transformation of institutions and ethnic conflict, this study has demonstrated the importance of engaging in

a path dependent and temporally grounded analysis of the evolution of ethnic conflict in divided societies like Iraq. Illuminating the complex web of interactions that determine ethnic group power dynamics during the critical period of state formation provides the context by which successive statebuilding periods can be analyzed in divided societies, one that moves beyond attributing ‘ancient hatreds’ to ethnic discord. Moreover, an exploration of the conditions that lead to state formation, in this case, as an outcome of colonial expansion, exposes the effects of preferential power dynamics that propel a given ethnic group to power. This, I argue, both framed and set the path by which successive elites came to govern Iraq. The opening in the political space and expedient and ineffective statebuilding following authoritarian breakdown and regime collapse (which, by extension, resulted in state collapse) produced an institutional, political, and socio-economic vacuum for the manifestation of ethnic discord. By fusing the literature on ethnic conflict and institutional design in divided societies, this research has filled an existing gap within the discourse on Iraq by illuminating the structural and institutional conditions that have incentivized ethnic and religious mobilization against exclusion and authoritarianism throughout formative statebuilding periods.

Similarly, this research contributes to the scholarship on governing in divided societies in two ways. First, it demonstrates the importance of infusing a temporal analysis of the impact of early institutional design on group mobilization in order to better understand the origins of group grievances. Second, identifying the effects of historically contingent factors is crucial for devising conflict regulation strategies that go beyond applying a one-size fits all solution, whether in the forms of consociationalism or centripetalism, by accounting for the complex and unique experience of that country. As

this case has demonstrated, the inability of post-conflict institutional engineering to mitigate conflict following regime collapse is both a symptomatic outcome of the absence of a disarmament, demobilization, and reintegration mechanism and of parallel institutions such as a truth and reconciliation commission that would have minimized the politicization of group grievances and mobilization along ethnic fault lines.

The application historical institutionalism to the present case inserts a new dimension to the study of state-society relations in Iraq, one that centres on bridging the structural with the social in order to provide a more nuanced explanation of the impact of historically contingent events on contemporary struggles with governance. This case contributes to the HI literature by adding an understudied regional dimension that examines the institutional conditions that underpin ethnic fragmentation in authoritarian states. Moreover, I have demonstrated the utility of applying the toolkits found within HI in order to trace and analyze the systematic effects of abrupt and incremental changes on the institutional causal mechanisms that cemented ethnic grievances against the state throughout formative time periods.

Limitations and Prospects for Future Research

This research was limited in scope, theory, and methodology. First, while I attempted to factor in external influences, the overwhelming focus on domestic factors and variables undervalued the penetration of both material and ideological regional dimensions including various Arab-Israeli wars, the Iran-Iraq war, and Shi'i, Kurdish, and Assyrian intra-ethnic solidarities across contiguous states, particularly Iran, Turkey, Syria and Lebanon and the growing role of non-state actors such as Al Qaeda in Iraq post-2003.

Second, although largely out of the scope of the present inquiry, a more intimate account of endogenous social and intellectual movements would have nevertheless highlighted the diverse forms of dissidence that go beyond the ethnic paradigm. Third, space constraints impeded a more detailed exploration of inter-ethnic solidarities that would have otherwise demonstrated modes of conflict and cooperation during critical statebuilding periods. Fourth, the deliberate omission of a systematic analysis of ISIL's takeover of swaths of territories in June 2014 by limiting the timeframe of the last empirical chapter to the decade following the American-led invasion from 2003-2013 stemmed from timing and space constraints. Nevertheless, it provided a structured framework by accounting for a very critical dimension to the study of ethnic grievances resulting from the institutional limitations of the consociational and power-sharing arrangements and the inability of ethnic elites to cut-across their ethnic powerbase.

On a theoretical level, while institutions played a critical role as constraining mechanisms that both sustained the power of ruling elites and excluded contending ethnic groups from governing the state, an institutionalist explanation alone cannot fully account for the propensity of ethnic elites toward exclusion and authoritarianism. Other factors understudied here such as socio-economic disparities and urban and rural divides also have the potential to explain fragmentation and strife. Likewise, the argument is limited in explaining the precise role of the security vacuum created following state collapse in 2003 on ethnic strife and the reliance on ethnic militias and paramilitary groups. Lastly, the failure to account for a sociological explanation of elite behaviour precluded a more nuanced explanation of the mobilizing factors of ethnic entrepreneurs in divided societies like Iraq.

On a methodological level, while I was able to identify and aggregate the institutional variables necessary to conduct a within-case comparative historical analysis, limited socio-economic and political quantitative data on Iraq hindered a more systematic investigation of their impact on ethnic mobilization beyond the descriptive statistics using the Fragile States Index. The dearth of such data affected a more precise examination of the effects of the independent variable (institutional constraints) on the dependent variable (ethnic conflict). Accordingly, timing constraints limited a more systematic consultation of Ba'th government documents at the Hoover Institution at Stanford University, which houses the largest Ba'thist state archives outside of Iraq. Lastly, this study would have benefited from fieldwork in Iraq which was impeded by an increasingly unstable security environment. Doing so would have remedied the dearth of data collection while simultaneously widening the interview selection pool both numerically and substantively. Although not an ethnographic or anthropological research endeavour, this work could have also benefited from mining memoirs and primary data. There were two limitations to this. First, personal memoirs of Iraqis are difficult to locate; second, timing and funding constraints meant state and government archives were prioritized as part of the primary research data collection since they offer more empirical clout and bolster the theoretical contribution of this work.

To supplement some of this research's shortcomings, and to complement its contributions, future research on Iraq can be advanced in two ways. First, a more systematic and intimate account of the role of regional dimensions, both ideological and material, will illuminate how and why such conditions affect domestic governing choices of ruling elites. Two, while the fluid and ever-evolving dynamics following ISIL's

takeover make it difficult to conduct tangible and systematic research on its trajectory and its effects on Iraqi society, future research assessing the impact of ruling elites, institutional deficiencies, and ethnic fractionalization post-democratic opening will highlight the socio-economic and political vacuum ISIL's advancement sought to fill for disenfranchised ethnic groups particularly Iraq's Sunni-Arabs. Doing so will also fill an existing gap in the literature on ethnic conflict in the Middle East and North Africa by fusing the rising sectarian and ethnic polarization of divided states across the region following the Arab Uprisings and the increasing role of non-state actors such as ISIL and Al-Qaeda.

Moving beyond these limitations, I have attempted to identify the processes and conditions that aggravated ethnic mobilization against institutional constraints in Iraq since the critical period of formation by tracing and analyzing the effects of two variables: exclusion and authoritarianism. By developing a theoretical model that accounts for a temporal infusion of institutional formation and transformation with ethnic mobilization during critical junctures, I have demonstrated that historical institutionalism and its analytical toolkits facilitate a systematic and nuanced exploration of the institutional factors that shaped ethnic dominance resulting in strife throughout three formative time periods. I postulated that understanding Iraq's current grapple with a seemingly protracted ethnic conflict following regime collapse in 2003, and analyzing why it has been difficult to govern Iraq as a divided society, must be contextualized along a temporal exploration of failed statebuilding that impeded national unity and the formation of a conciliatory and binding social contract. This is particularly important as successful democratization is

dependent on national unity in divided societies.⁷⁶⁷ Such an analysis, I argue, anchors our understanding of ethnic mobilization and strife in Iraq not necessarily as an outcome of inter-group hatreds or primordialist group attachments, but as a product of an inadequate institutional design that set the foundation for the ethnic dominance and re-dominance of the state by ruling elites during formative statebuilding periods.

Bibliography

Archival Sources

The National Archives of the United Kingdom, London, UK

Records of the Colonial Office: CO 730, CO 831, CO 813, CO 10606

Treaties Records Office: T 161/157

Records of the Foreign Office: FO 371

Records of the Air Ministry: AIR 23, AIR 5

⁷⁶⁷ See Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore: Johns Hopkins University Press, 1996), 18; Robert A. Dahl, *Democracy and its Critics* (New Haven: Yale University Press, 1989) 207; and, more recently, Zackary Elkins and John Sides, “Can Institutions Build Unity in Multiethnic States?” *American Political Science Review* 101.4 (2007): 696.

Maps, Plans, Instructions: MPI

Iraqi National Archives, Baghdad, Iraq.
1990 Interim Constitution of the Ba‘th Arab Socialist Party

Iraqi Government Documents
Iraq Government Gazette
Al-Waqai al-Iraqiya

Ba‘th Party Government Sources
Sources for the Ba‘th Party were obtained from research conducted at the *Conflict Records Research Center (CRRC)* of the National Defense University, Washington D.C. using the following collections:

SH-BATH	Ba‘th Party Correspondence
SH-RVCC	Iraqi Revolutionary Command Council
SH-MISC	Saddam Hussein Regime Miscellaneous
SH-SHTP	Saddam Hussein Tapes-Audio
SH-PDWN	Saddam Hussein Presidential Diwan (Council)
SH-IISX	Saddam Hussein Iraqi Intelligence Service
SH-GMID	Saddam Hussein General Military Intelligence Directorate

Books, journal articles, and other published sources

‘Abd al-Razzāq Ḥasanī, *Tārikh al-Wizarat al-‘Iraqiyya* (A History of Iraq Ministries), Vol. 3, (Saida: al-Irfan, 1953).

———*Tārikh al-‘Irāq al-Siyāsī al-Hadīth* (A Political History of Modern Iraq) Vol. 1 (Beirut).

———“al-haraka al-ta’ifiya o-kh’trha” (The Sectarian Movement and its Dangers), *Tārikh al-Wizarat al-Iraqiya* (A History of Iraqi Cabinets), Vol. 2 (Beirut, 1970).

’Aziz, Tariq. *The Revolution of the New Way*, (1977).

Abdullah, Kamil. “Saddam as a Hero,” *Iraq Since the Gulf War* (London: Zed Books, 1994).

Al-Ali, Zaid. *The Struggle for Iraq’s Future* (New Haven: Yale University Press, 2014).

Al-Arian, Ali and Alia Chughtal. “Infographic: Iraq’s electoral system,” *Al Jazeera*, April 29 2014: <http://www.aljazeera.com/news/middleeast/2014/04/infographic-iraq-electoral-system-201442983631669587.html>

Al-Hamdani, Abdulamneer. "Iraq's heritage's is facing a new wave of destruction," *Iraq Heritage*, September 8 2014: <http://iraqheritage.org/reports.php>

Al-Khafaji, Isam. "War as a Vehicle for the Rise and Demise of a State-Controlled Society: the Case of Ba'thist Iraq," in *War, Institutions, and Social Change in the Middle East*, ed., Steven Heydemann (Berkeley: California University Press, 2000).

Al-Lami, Alaa. "Iraq: Understanding the coup in Mosul and its consequences," *al-akhbar* June 14 2014: <http://english.al-akhbar.com/content/iraq-understanding-coup-mosul-and-its-consequences>

Al-Marashi, Ibrahim and Sammy Salama. *Iraq's Armed Forces: an Analytical History* (New York: Routledge, 2008).

Al-Salhy, Suadad and Alistair Lyon. "Iraq's Maliki Threatens to cut funds if Kurds pipe oil to Turkey," *Reuters*, January 12 2014: <http://www.reuters.com/article/2014/01/12/us-iraq-kurdistan-oil-idUSBREA0B0AY20140112>

Almond, A. Gabriel. "Comparative Political Systems," *The Journal of Politics*, 18.3 (August 1956): 391-409.

Al-Qazzaz, Ayad. "Power Elite in Iraq-1920-1958: a Study of the Cabinet," *Muslim World* 61.4 (October 1971): 267-83.

Al-Tikriti, Nabil. "Was there an Iraq before there was an Iraq?" *International Journal of Contemporary Iraqi Studies* 3.2 (2009): 133-42.

Allawi, Ali. "Federalism," *Iraq Since the Gulf War* (London: Zed Books, 1994).

— *The Occupation of Iraq: Winning the War, Losing the Peace* (New Haven: Yale University Press, 2007).

Amenta, Edwin. "What We Know about the Development of Social Policy," in *Comparative Historical Analysis in the Social Sciences* (New York: Cambridge University Press, 2003), 91-130.

Amnesty International. "Gruesome evidence of ethnic cleaning in northern Iraq as Islamic State moves to wipe out minorities," September 2 2014: <http://www.amnesty.org/en/news/gruesome-evidence-ethnic-cleansing-northern-iraq-islamic-state-moves-wipe-out-minorities-2014-0>

Anderson, Lisa. "The State in the Middle East and North," *Comparative Politics* 20.1 (October 1987): 1-18.

Anderson, D. Liam. *Federal Solutions to Ethnic Problems: Accommodating Diversity* (Oxon: Routledge, 2013).

——“Searching Where the Light Shines: Studying Democratization in the Middle East,” *Annual Review of Political Science* 9 (2006): 189-214.

Arango, Tim, Kareem Fahim and Ben Hubbard. “Rebels’ Fast Strike in Iraq was Years in the Making,” *New York Times*, June 14 2014:
http://www.nytimes.com/2014/06/15/world/middleeast/rebels-fast-strike-in-iraq-was-years-in-the-making.html?smid=tw-share&_r=0

——“Tears, and Anger, as Militants Destroy Iraq City’s Relics,” *New York Times*, July 30 2014: http://www.nytimes.com/2014/07/31/world/middleeast/iraqi-anger-rises-as-militants-attack-mosuls-cultural-history.html?_r=0

Ayubi, Nazih. “Arab Bureaucracies: Expanding Size, Changing Roles,” in *The Arab State*, ed., Giacomo Luciani (Berkeley: University of California Press, 1990).

——*Over-Stating the Arab State* (London: I.B. Tauris, 1995).

Ba’th Arab Socialist Party. *Hizb al-B’ath al-‘Arabi al-Ishtiraki* (Beirut, 1973).

——*Revolutionary Iraq: 1968-1973*. “The Political Report Adopted by the Eighth Regional Congress of the Arab B’ath Socialist Party-Iraq,” January 1974.

——“The Central Report of the Ninth Regional Congress of the Baath Party,” June 1982.

——Ministry of Justice for Iraq, “Legal System Reform Law”, 1977.

Bakwesegha Christopher J. “Ethnic Conflict and the Colonial Legacy,” in *Facing Ethnic Conflicts*, eds., Andreas Wimmer et al (Lanham: Rowman and Littlefield, 2004), 53-60.

Baram, Amatzia. “The June 1980 Elections to the National Assembly in Iraq: an Experiment in Controlled Democracy,” *Orient* 22.3 (September 1981).

——“Neo-Tribalism in Iraq: Saddam Hussein’s Tribal Policies 1991-1996,” *International Journal of Middle East Studies* 29.1 (February 1997).

Barkey, Karen and Sunita Parikh. “Comparative Perspectives on the State,” *Annual Review of Sociology* 17 (1991): 523-49.

Barnett, Michael and Christoph Zurcher. “The peacebuilder’s contract: how external statebuilding reinforces weak statehood,” in *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, eds., Roland Paris and Timothy D. Sisk (Oxon: Routledge, 2009).

- Bashkin, Orit. *The Other Iraq* (Stanford: Stanford University Press, 2009).
- Bastian, Sunil and Robin Luckham. "Conclusion: the Politics of Institutional Choice," in *Can Democracy be Designed?* Eds., Suni Bastian and Robin Luckham (New York: Zed Books, 2003).
- Batatu, Hanna. *The Old Social Classes and the Revolutionary Movements in Iraq* (London: Saqi, 1978).
- Beach, Derek and Rasmus Brun Pedersen. *Process-Tracing Methods* (Ann Arbor: University of Michigan Press, 2013).
- Bellin, Eva. "The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective," *Comparative Politics* 36.2 (January 2004): 139-57.
- Bengio, Orfa. *Saddam's Word* (New York: Oxford University Press, 1998).
- Bennett, Andrew and Colin Elman. "Qualitative Research: Recent Developments in Case Study Methods," *Annual Review of Political Science* 9 (2009): 455-76.
- Benomar, Jamal. "Constitution-Making after Conflict: Lessons for Iraq," *Journal of Democracy* 15.2 (2004): 81-95.
- Berghe, Peirre Van den. *The Ethnic Phenomenon* (New York: Elsevier, 1981).
- Bermeo, Nancy. "Democracy and the Lessons of Dictatorship," *Comparative Politics* 24.3 (April 1992): 273-91.
- Binder, Leonard. "Introduction: the International Dimensions of Ethnic Conflict in the Middle East," in *Ethnic Conflict and International Policies in the Middle East*, ed., Leonard Binder (Gainesville: University of Florida Press, 1999).
- Blaikie, Norman. *Designing Social Research*, 2nd Ed. (Cambridge: Polity Press, 2010).
- Bogaards, Matthijs. "Comparative strategies of political party regulation," in *Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development*, Eds., Benjamin Reilly and Per Nordlund (New York : United Nations University Press, 2008), 48-66.
- Boix, Charles and Susan C. Stokes. "Overview of Comparative Politics," *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (Oxford: Oxford University Press, 2009), 543-566.
- Bottomore, Tom. *Élites and Society*, 2nd Ed. (London: Routledge, 1993).

Brass, Paul R. *Ethnicity and Nationalism: Theory and Comparison* (New Delhi: Sage Publications, 1991).

Bremer, L. Paul, James Dobbins, and David Gompert. "Early Days in Iraq: Decisions of the CPA," *Survival* 50.4 (Aug-Sep 2008): 21-56.

British Broadcasting Company (BBC). "No-Fly Zones: the Legal Position," February 19 2001: http://news.bbc.co.uk/2/hi/middle_east/1175950.stm

———"Saddam 'Wins 100% of Vote'", October 16 2002.

Brownlee, Jason. *Authoritarianism in an Age of Democratization* (New York: Cambridge University Press, 2007).

Bruce Bueno de Mesquita et al., *The Logic of Political Survival* (Cambridge, MA: MIT Press, 2003).

Bunce, Valerie. *Subversive Institutions* (New York: Cambridge University Press, 1999).

Byman, D. L. "Building the New Iraq: the Role of Intervening Forces," *Survival* 45.2 (2003): 57-71.

Call, T. Charles. "Ending Wars, Building States," in *Building States to Build Peace*, eds., Charles T. Call and Vanessa Wyeth (Colorado: Lynne Rienner Publishers, 2008).

Cameron, David. "Making Federalism Work," in *Iraq: Preventing a New Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone, and Ben Rowswell (Colorado: Lynne Rienner Publishers, 2007).

Cammett, Melani and Edmund Malesky. "Power Sharing in Postconflict Societies: Implications for Peace and Governance," *Journal of Conflict Resolution* 56.6 (December 2012): 982-1016.

Capoccia, Giovanni and R. Daniel Kelemen. "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism," *World Politics*, 59 (April 2007): 341-69.

——w/Daniel Ziblatt. "The Historical Turn in Democratization Studies: A New Research Agenda for Europe and Beyond," *Comparative Political Studies*, 43.8/9 (2010): 931-968.

Carment. David and Patrick James. "Third-Party States in Ethnic Conflict: Identifying the Domestic Determinants of Intervention," in *Ethnic Conflict and International Politics: Explaining Diffusion and Escalation*, eds., Steven E. Lobell and Philip Mauceri (New York: Palgrave MacMillan, 2004).

Carroll, Rory. "Sunnis admit poll boycott blunder and ask to share power," *The Guardian*, February 14 2005:

<http://www.theguardian.com/world/2005/feb/15/iraq.rorycarroll>

Center for Systemic Peace. *Polity IV Annual Time Series, 1800-2013*.

<http://www.systemicpeace.org/inscrdata.html>

Çetinsaya, Gökhan. *Ottoman Administration of Iraq, 1890-1908* (Oxon: Routledge, 2006).

Ceylan, Ebubekir. *The Ottoman Origins of Modern Iraq* (London: I.B. Tauris, 2011).

Chandra, Kanchan. *Why Ethnic Parties Succeed: Patronage and Ethnic Head Counts in India* (Cambridge: Cambridge University Press, 2004).

Choudhry, Sujit. "Bridging comparative politics and comparative constitutional law: Constitutional design in divided societies," in *Constitutional Design for Divided Societies: Integration or Accommodation?* Ed., Sujit Choudhry (Oxford: Oxford University Press, 2008).

Coalition Provisional Authority. Order Number 5, *Establishment of the Iraqi De-Baathification Council*.

—Order Number 22, *Creation of a New Iraqi Army*, August 18 2003:

—*Law of Administration for the State of Iraq for the Transitional Period*, March 8 2004.

—Order Number 28, *Establishment of the Iraqi Civil Defense Corps*.

—Order Number 91, *Regulation of Armed Forces and Militias within Iraq*.

Collier, Ruth Berins and David Collier. *Shaping the Political Arena* (Princeton: Princeton University Press, 1991).

Collier, David, Henry E. Brady and Jason Seawright. *Rethinking Social Inquiry: Diverse Tools, Shared Standards* (Lanham: Rowman & Littlefield, 2004).

Cotler, Julio. "A Structural-Historical Approach to the Breakdown of Democratic Institutions: Peru," in *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins University Press, 1978).

Dahl, A. Robert. *Democracy and its Critics* (New Haven: Yale University Press, 1989).

Dao, James. "“At the Helm in Shattered Iraq; Lewis Paul Bremer III,” *New York Times*, May 8 2003.

Davis, Eric. *Memories of State* (Berkeley: University of California Press, 2005).

Dawisha, Adeed. *Arab Nationalism in the Twentieth Century* (Princeton: Princeton University Press, 2003).

——“Iraq: Setbacks, Advances, Prospects,” *Journal of Democracy* 15.1 (January 2004): 5-20.

——*Iraq: a Political History from Independence to Occupation* (Princeton: Princeton University Press, 2009).

De Mesquita et al. *The Logic of Political Survival* (Cambridge: MIT Press, 2003).

De Vaus, David. *Research Design in Social Research* (London: Sage Publications, 2001).

Deschouwer, Kris. *The Politics of Belgium: Governing a Divided Society* (New York: Palgrave Macmillan, 2009).

Diamond, Larry. “Introduction: Political Culture and Democracy,” in *Political Culture & Democracy in Developing Countries*, ed., Larry Diamond (Boulder: Lynne Rienner Publishers, 1994), .

——“Introduction: In Search of Consolidation,” in *Consolidating the Third Wave Democracies: Regional Challenges*, eds., Larry Diamond et al. (Baltimore: the Johns Hopkins University Press, 1997), xiii-xlvii.

——“Building Democracy after Conflict: Lessons from Iraq,” *Journal of Democracy* 16.1 (2005): 9-23.

——“What Went Wrong in Iraq,” *Foreign Affairs* (September/October 2004).

Djelic, Marie-Laure and Sigrid Quack. *Globalization and Institutions* (UK: Edward Elgar Publishing, 2003).

——Djelic, Marie-Laure. “Institutional Perspectives-Working Towards Coherence or Irreconcilable Diversity?” in *Oxford Handbook of Comparative Institutional Analysis*, eds., Glenn Morgan, et al. (Oxford: Oxford University Press, 2010).

Dobbins, James, Seth G. Jones, Benjamin Runkle, and Siddharth Mohandas. *Occupying Iraq: a History of the Coalition Provisional Authority* (Santa Monica: RAND Corporation, 2009).

Dodge, Toby. *Inventing Iraq* (New York: Columbia University Press, 2003).

——*Iraq's Future: the aftermath of regime change* (Oxon: Routledge, 2005).

——“Iraq: the Contradictions of Exogenous State-Building in Historical Perspective,” *Third World Quarterly* 27.1 (2006): 187-200.

——“State Collapse and the Rise of Identity Politics,” in *Iraq: Preventing a new Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone and Ben Rowsell (Boulder: Lynne Rienner Publishers, 2007).

Donabed, George. *Reforging a Forgotten History: Iraq and the Assyrians in the Twentieth Century* (Edinburgh: Edinburgh University Press, 2015).

Dumbrell, John. “Bush’s War: the Iraq Conflict and American Democracy,” in *The Iraq War and Democratic Politics*, eds., Alex Danchev and John MacMillan (London: Routledge, 2005).

Elkins, Zackary and John Sides. “Can Institutions Build Unity in Multiethnic States?” *American Political Science Review* 101.4 (2007): 693-708.

Eppel, Michael. “The Elite, the *Effindiyya*, and the Growth of Nationalism and Pan-Arabism in Hashemite Iraq, 1921-1958,” *International Journal Of Middle East Studies* 30 (1998): 227-50.

Ehrenberg, John, J. Patrice McSherry, José Ramón Sánchez, and Caroleen Marji Sayej. *The Iraq Papers* (New York: Oxford University Press, 2010).

Esman, Milton. *Ethnic Politics* (Ithaca: Cornell University Press, 1994).

——“Ethnic Pluralism: Strategies for Conflict Management,” in *Facing Ethnic Conflict*, eds., Andreas Wimmer et al., (Lanham: Rowman & Littlefield Publishers, 2004).

Evera, Van Stephen. *Guide to Methods for Students of Political Science* (Ithaca: Cornell University Press, 1997).

Fahim, Kareem. “Playing with Soldiers,” *The Village Voice* July 1 2003:
<http://www.villagevoice.com/2003-07-01/news/playing-with-soldiers/>

Faltas, Sami and Wolf-Christian Paes. “Disarmement, Dembolization, and Reintegration: Not Only a Job or Soldiers,” in *People Building Peace II*, eds., Paul van Tongeren (Boulder: Lynne Rienner Publishers, 2005).

Fawcett, John and Victor Tanner. “The Internally Displaced People of Iraq,” Brookings Institution-SAIS Project on Internal Displacement (October 2002).

Feldman, Noah. *What We Owe Iraq* (Princeton: Princeton University Press, 2004).

Ferris, G. Elizabeth. "The Looming Crisis: Displacement and Security in Iraq," *Brookings Institute*, (August, 2008),
http://www.brookings.edu/~media/Files/rc/papers/2008/08_iraq_ferris/08_iraq_ferris.pdf

Freedom House. *Freedom in the World Comparative and Historical Data*,
<https://freedomhouse.org/report-types/freedom-world#.VRRMdktsPRE>

Gandhi, Jennifer and Adam Prezeworski. "Authoritarian Institutions and the Survival of Autocrats," *Comparative Political Studies* 40.11 (November 2007): 1-23.

Geddes, Barbara. "What do we know about Democratization after Twenty Years?" *Annual Review of Political Science* 2 (June 1999): 115-44.

Geertz, Clifford. "The Integrative Revolution," in *Old Societies and New States*, ed., Ed., Clifford Geertz, (New York: Free Press of Glencoe, 1963).

George, L. Alexander and Andrew Bennett. *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2004).

Gerring, John. "Causation: a Unified Framework for the Social Sciences," *Journal of Theoretical Politics*, 17.2 (2005): 163-98.

Giddens, Anthony. *The Nation-State and Violence* (Berkeley: University of California Press, 1987).

Global Security. "Operation Northern Watch,"
http://www.globalsecurity.org/military/ops/northern_watch.htm

Goodin, E. Robert. "Institutions and their Design," in *The Theory of Institutional Design*, ed. Robert E. Goodin (Cambridge: Cambridge University Press, 1996).

Gramsci, Antonio. *Prison Notebooks* (New York: International Publishers, 2003).

Greif, Avner. *Institutions and the Path to the Modern Economy* (Cambridge: Cambridge University Press: 2006).

Gurr, Ted Robert. "Peoples Against States: Ethnopolitical Conflict and the Changing World System: 1994 Presidential Address," *International Studies Quarterly* 38.3 (September 1994): 347-77.

—Gurr, Ted Robert and Barbara Harff. *Ethnic Conflict in World Politics* (Boulder: Westview Press, 1994).

—Gurr, *Peoples Versus States* (Washington: U.S. Institute of Peace Press, 2000).

Guttieri, Karen and Jessica Piombo. "Issues and Debates in Transitional Rule," in *Interim Governments*, Karen Guttieri and Jessica Piombo, eds. (Washington, D.C.: United States Institute of Peace Press, 2007).

Haddad, Fanar. *Sectarianism in Iraq* (New York: Columbia University Press, 2011).

———"A Sectarian Awakening: the Reinvention of Sunni Identity after 2003," *Hudson Institute*, (August 4 2014): <http://www.hudson.org/research/10544-a-sectarian-awakening-reinventing-sunni-identity-in-iraq-after-2003>

Hall, Peter. *Governing the Economy* (New York: Oxford University Press, 1986).

Halliday, Fred. *The Middle East in International Relations* (New York: Cambridge University Press, 2005).

Halperin, Sandra. "The Spread of Ethnic Conflict in Europe: Some Comparative-Historical Reflections," in *The International Spread of Ethnic Conflict*, eds., David A. Lake and Donald Rothchild (Princeton: Princeton University Press, 1998), 151-84.

Harik, Iliya. "The Origins of the Arab State System," in *The Foundations of the Arab State*, ed., Ghassan Salamé (Kent: Croom Helm, 1987).

Harris, Shane. "The Re-Baathification of Iraq," *Foreign Policy*, August 21 2014.

Hashim, S. Ahmed. "Military Power and State Formation in Modern Iraq," *Middle East Policy* X.4 (Winter 2003): 29-47.

Hay, Colin. *Political Analysis: a Critical Introduction* (New York: Palgrave, 2002).

Hay, Colin and Michael Lister. "Introduction: Theories of the State," in *The State: Theories and Issues* (New York: Palgrave MacMillan, 2006).

Haysom, Nicholas. "Constitution Making and Nation Building," in *Federalism in a Changing World-Learning from Each Other*, ed. Raoul Blindenbacher et al. (Montreal: McGill-Queens University Press, 2003).

Heller, Mark. "Politics and the Military in Iraq and Jordan: 1920-1958: the British Influence," *Armed Forces and Society* 4.1 (November 1977): 75-99.

Helms, Moss. Christine. *Iraq: Eastern Flank of the Arab World* (Washington: The Brookings Institution, 1984).

Herring, Eric and Glen Rangwala. *Iraq in Fragments* (London: Hurst & Company, 2006).

Hinnebusch, A. Raymond. "Political Parties in the Arab State: Libya, Syria, Egypt," in *Beyond Coercion* (London: Croom Helm, 1988).

Holden, Matthew Jr. "Exclusion, Inclusion, and Political Institutions," in *The Oxford Handbook of Political Institutions*, eds., R.A.W. Rhodes, Sarah A. Binder, and Berta A. Rockman (Oxford: Oxford University Press, 2008).

Horowitz, L. Donald. *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985).

———*South Africa Constitutional Engineering in a Divided Society* (Berkeley: University of California Press, 1991).

———"Constitutional Design? An Oxymoron?" in *Designing Democratic Institutions: Nomos Xlii*, eds., Ian Shapiro and Stephen Macedo (New York: New York University Press, 2000).

———*Constitutional Change and Democracy in Indonesia* (New York: Cambridge University Press, 2013).

H.R. 4655-Iraq Liberation Act of 1998. <http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.4655.ENR>

Human Rights Watch. *Iraq's Crime of Genocide: the Anfal Campaign Against the Kurds* (Chelsea: Yale University Press, 1995).

———"Iraq: ISIS Abducting, Killing, Expelling Minorities," July 19 2014: <http://www.hrw.org/news/2014/07/19/iraq-isis-abducting-killing-expelling-minorities>

———"Iraq: Islamic State Executions in Tikrit," September 2 2014: <http://www.hrw.org/news/2014/09/02/iraq-islamic-state-executions-tikrit>

Human Rights Without Frontiers. *The ChaldoAssyrian Community in Today's Iraq: Opportunities and Challenges* (November 2003).

Hunter, T. Shireen. "The Real Causes of Iraq's Problems," *Lobellog* June 14 2014: <http://www.lobellog.com/2014-06-the-real-causes-of-iraqs-problems/>

Huntington, P. Samuel. *Political Order in Changing Societies* (New Haven: Yale University Press, 1968).

———"Social and Institutional Dynamics of One-Party Systems," in *Authoritarian Politics in Modern Society* (New York: Basic Books, 1970).

Hussein, Saddam. *On History, Heritage and Religion* (Baghdad: Translation & Foreign Languages Publishing House, 1981).

Ikenberry, G. John. "History's Heavy Hand: Institutions and the Politics of the State," Unpublished Manuscript, Presented at Conference on New Perspectives on Institutions, University of Maryland, (October 1994).

International Crisis Group. "Iraq: Building a New Security Structure," December 23 2003.

International Federation for Human Rights. *Iraq: Continuous and Silent Ethnic Cleansing Displaced Persons in Iraqi Kurdistan and Iraqi Refugees in Iran* (January 2003).

International Organization for Migration, "Iraq Displacement and Return 2008 Mid-Year Review," (2008):

[http://www.internaldisplacement.org/8025708F004CE90B/\(httpDocuments\)/3D4E8AEE D4BBE70CC125748F0038A028/\\$file/Iraq+Displacement+Mid-Year+Review+2008+\(2\).pdf](http://www.internaldisplacement.org/8025708F004CE90B/(httpDocuments)/3D4E8AEE D4BBE70CC125748F0038A028/$file/Iraq+Displacement+Mid-Year+Review+2008+(2).pdf)

Iraq Body Count. *Documented Civilian Deaths from Violence, 2003-2014*.
<https://www.iraqbodycount.org/database/>

Iraq Ministry of Information. *The National Action Charter and the Rules of Action of the Progressive National and Nationalist Front* (Baghdad: Al-Huriyah Printing House, 1974).

Ismael, Y. Tareq. *The Rise and Fall of the Communist Party in Iraq* (New York: Cambridge University Press, 2008).

Jabar, A. Faleh. "How Saddam Keeps Power in Iraq," *Le Monde Diplomatique*, October 2002.

———"The Constitution of Iraq: Religious and Ethnic Relations," *Minority Rights Group International*: <http://www.iraqstudies.com/featured9.html>

Jarstad, K. Anna. "Dilemmas of war-to-democracy transitions: theories and concepts," in *From War to Democracy: Dilemmas of Peacebuilding*, Eds., Anna K. Jarstad and Timothy D. Sisk (New York: Cambridge University Press, 2008), 17-36.

——and Timothy D. Sisk. "Introduction," in *From War to Democracy: Dilemmas of Peacebuilding*, Eds., Anna K. Jarstad and Timothy D. Sisk (New York: Cambridge University Press, 2008), 1-13.

Jeong, Ho-Won. *Peacebuilding in Postconflict Societies* (Boulder: Lynne Rienner, 2005).

Johnson, Juliet. "Past' Dependence or Path Contingency?" in *Capitalism and Democracy in Central and Eastern Europe*, eds., Grzegorz Ekiert and Stephen E. Hanson (Cambridge: Cambridge University Press, 2003).

Kadhim, Abbas. *The Hawza Under Siege*, IISBU Occasional Paper, (June 2013).

Kedourie, Elie. "Anti-Shiism in Iraq under the Monarchy," *Middle Eastern Studies* 24.2 (April 1988): 249-53.

King, Gary, Robert O. Keohane, and Sidney Verba. *Designing Social Inquiry* (Princeton: Princeton University Press, 1994).

Kriesi, Hanspeter and Alexander H. Trechsel. *The Politics of Switzerland: Continuity and Change in a Consensus Democracy* (Cambridge: Cambridge University Press, 2008).

Lane, Jan-Erik and Svante Ersson. *Culture and Politics: a Comparative Approach 2nd Edition* (Hants: Ashgate, 2005).

Lemarchand, René. "Exclusion, Marginalization, and Political Mobilization: the Road to Hell in the Great Lakes," in *Facing Ethnic Conflicts*, eds., Andreas Wimmer, *et al* (Lanham: Rowman & Littlefield, 2004).

Levi, Margaret. "The Predatory Theory of Rule," *Politics Society* 10 (1981): 431-65.

Levi, Margaret, et al. "Introduction," in *Designing Democratic Government: Making Institutions Work*, eds., Margaret Levi, et al. (New York: Russell Sage Foundation, 2008).

Levitsky, Steven and Lucan A. Way. *Competitive Authoritarianism* (New York: Cambridge University Press, 2010).

Lieberman, S. Evans. "Causal Inference in Historical Institutional Analysis: a Specification of Periodization Strategies." *Comparative Political Studies* 34, no. 9 (November 2001): 1011-35.

——w/Perna Singh. "The Institutional Origins of Ethnic Violence." *Comparative Politics* (October 2012): 1-24.

Lijphart, Arend. "Majority Rule Versus Democracy in Deeply Divided Societies," *Politikon: South African Journal of Political Studies* 4.2 (1977): 113-26.

——"Constitutional Design for Divided Societies" *Journal of Democracy* 15.2 (April 2004): 96-109.

Linz, Juan and Alfred Stepan. *Problems of Democratic Transition and Consolidation* (Baltimore: Johns Hopkins University Press, 1996).

———*Totalitarian and Authoritarian Regimes* (Boulder: Lynne Rienner Publishers, 2000).

Lipset, Martin, Seymour. "Some Social Requisites of Democracy: Economic Development and Political Legitimacy," *American Political Science Review* 53.1 (March 1959): 69-105.

Longrigg, Hemsley Stephen. *Iraq 1900-1950* (Oxford: Oxford University Press, 1953).

Luciani, Giacomo. "Introduction," in *The Arab State*, ed., Giacomo Luciani (Berkeley: University of California Press, 1990).

Luckham, Robin, Anne Marie Goetz, and Mary Kaldor. "Democratic Institutions and Democratic Politics," in *Can Democracy be Designed?* Ed. Suni Bastian et al. (London: Zed Books, 2003).

Lukitz, Liora. *Iraq: the Search for National Identity* (London: Frank Cass, 1995).

Lustick, Ian. "Stability in Deeply Divided Societies," *World Politics* 31 (1979): 325-44.

———"Lijphart, Lakatos, and Consociationalism," *World Politics*, 50.1 (1997): 88-117.

———"Hegemony and the Riddle of Nationalism," in *Ethnic Conflict and International Politics in the Middle East*, ed., Leonard Binder (Gainesville: University Press of Florida, 1999).

Mahoney, James. "Path Dependence and Historical Sociology," *Theory and Society* 29 (2000): 507-48.

———"Beyond Correlational Analysis: Recent Innovations in Theory and Method," *Sociological Forum*, 16.3 (September 2001): 575-93.

———"Path-Dependent Explanations of Regime Change: Central America in Comparative Perspective," *Studies in Comparative International Development* 36.1 (2001): 111-41.

———"Strategies of Causal Assessment in Comparative Historical Analysis," in *Comparative Historical Analysis in the Social Sciences* (New York: Cambridge University Press, 2003), 337-373.

——w/Dietrich Rueschemeyer, "Comparative Historical Analysis," in *Comparative Historical Analysis in the Social Sciences* (New York: Cambridge University Press, 2003), 3-38.

—w/Daniel Schensul. “Historical Context and Path Dependence,” in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (Oxford: Oxford University Press, 2009), 454-471.

—w/Celso M. Villegas. “Historical Enquiry and Comparative Politics,” in *The Oxford Handbook of Comparative Politics*, eds. Carles Boix and Susan C. Stokes (Oxford: Oxford University Press, 2007).

—w/Erin Kimball, and Kendra L. Koivu. “The Logic of Historical Explanation in the Social Sciences,” *Comparative Political Studies* 42.1 (2009): 114-46.

—w/Kathleen Thelen. “A Theory of Gradual Institutional Change,” in *Explaining Institutional Change: Ambiguity, Agency, and Power*, eds., James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2010).

Majjalat al-Shuun al-Dakhiliyah, Al'aded, Vol. 4 (Baghdad: M'tba'a Al'Ma'rif, Tišrīn at-Tānī).

Makiya, Kanan. *Cruelty and Silence: War, Tyranny, Uprising, and the Arab World* (New York: W. W. Norton & Co, 1993).

Mallat, Chibli. “Religious Militancy in Contemporary Iraq: Muhammad Baqer as-Sadr and the Sunni-Shia Paradigm,” *Third World Quarterly* 10.2 (April 1988): 699-729.

—with Hiram Chodosh. *Law in Iraq, Vol. 2* (New York: Oxford University Press, 2012).

Mamdani, Mahmood. *Citizen and Subject* (Princeton: Princeton University Press, 1996).

Mann, Michael. “The Autonomous Power of the State: its origins, mechanisms and results,” *European Journal of Sociology*, 25.2 (1984): 185-213.

—*States, War and Capitalism* (Oxford: Basil Blackwell, 1988).

March, James G. and Johan P. Olsen. *Rediscovering Institutions: the Organizational Basis of Politics* (New York: Simon and Schuster, 1989).

Marr, Phebe. “Iraq’s Leadership Dilemma: a Study in Leadership Trends, 1948-1968,” *Middle East Journal* 24.3 (Summer 1970): 283-301.

—“The Development of a Nationalist Ideology in Iraq, 1920-1941,” *The Muslim World* 75.2 (April 1985): 85-101.

—“Iraq’s Identity Crisis,” in *Iraq: Preventing a New Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone, and Ben Rowsell (Colorado: Lynne Rienner Publishers, 2007).

—*The Modern History of Iraq* (Boulder: Westview Press, 2012).

McDowell, David. *A Modern History of the Kurds*, 3rd Edition (London: I.B. Taurus, 2005).

McGarry, John and Brendan O’Leary. “Introduction: The macro-political regulation of ethnic conflict,” in *The Politics of Ethnic Conflict Regulation*, eds., John McGarry and Brendan O’Leary (Oxon: Routledge, 1993).

—“Iraq’s Constitution of 2005: Liberal Consociation as political prescription,” *International Journal of Constitutional Law* 5 (2007): 670-98.

—McGarry, John, Brendan O’Leary, Richard Simeon. “Integration or Accommodation? The Enduring Debate on Conflict Regulation,” in *Constitutional Design for Divided Societies: Integration or Accommodation?* Ed., Sujit Choudhry (Oxford: Oxford University Press, 2008).

McKay, James. “An Exploratory Synthesis of Primordial and Mobilizationist Approaches to Ethnic Phenomena,” *Ethnic and Racial Studies*, 5.4 (October, 1982): 395-420.

Mearsheimer, J. John and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy* (New York: Farrar, Starus and Giroux, 2007).

Meijer, Roel. “Sunni Factions and the ‘Political Process’”, in *Iraq: Preventing a new Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone and Ben Rowswell (Boulder: Lynne Rienner Publishers, 2007), 89-108.

Migdal, S. Joel. *Strong Societies and Weak States* (New Jersey: Princeton University Press, 1988).

—*State in Society* (New York: Cambridge University Press, 2004).

Mohsen, Fatima. “Cultural Totalitarianism,” in *Iraq Since the Gulf War* (London: Zed Books, 1994).

Moore, H. Clement. “The Single Party as Source of Legitimacy,” in *Authoritarian Politics in Modern Society* (New York: Basic Books, 1970).

Morris, Loveday. “Islamic State militants allegedly used chlorine gas against Iraqi security forces,” *Washington Post*, October 23 2014.

Mufti, Malik. *Sovereign Creations: Pan-Arabism and Political Order in Syria and Iraq* (Ithaca: Cornell University Press, 1996).

Munch, L. Gerardo. "Tools for Qualitative Research," in *Rethinking Social Inquiry: Diverse Tools, Shared Standards*, eds., Henry E. Brady and David Collier (Lanham: Rowman & Littlefield Publishers, 2004).

Nakash, Yitzhak. *The Shi'is of Iraq* (Princeton: Princeton University Press, 1994).

National Security Council. *National Strategy for Victory in Iraq*, November 2005.

New York Times. "No Surprise in Iraqi Vote," October 17 1995.

Nordlinger, Eric. *State, Power and Politics in Divided Societies* (Cambridge: Center for International Affairs, Harvard University, 1972).

Norris, Pippa. *Electoral Engineering: Voting Rule sand Political Behavior* (New York: Cambridge University Press, 2004).

———*Driving Democracy: Do Power-Sharing Institutions Work?* (New York: Cambridge University Press, 2008).

North, C. Douglas. *Institutions, Institutional Change, and Economic Performance* (Cambridge: Cambridge University Press, 1990).

Norton, R. Augustus. *Hezbollah: a Short History* (Princeton: Princeton University Press, 2009).

O'Donnell, A. Guillermo. *Modernization and Bureaucratic-Authoritarianism* (California: Institute of International Studies, University of California, Berkeley, 1973).

———"Permanent Crisis and the Failure to Create a Democratic Regime: Argentina, 1955-66," in *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins University Press, 1978).

———O'Donnell, Guillermo and Philippe C. Schmitter. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: the Johns Hopkins University Press, 1986).

Otterman, Sharon. "Iraq: Debaathification," *Council on Foreign Relations*. April 7 2005: <http://www.cfr.org/iraq/iraq-debaathification/p7853#p3>

Owen, Roger. *State, Power and Politics in the Making of the Modern Middle East*, 2nd Ed. (London: Routledge, 2000).

Paris, Roland and Timothy D. Sisk. "Introduction: Understanding the contradictions of postwar statebuilding," in *The Dilemmas of Statebuilding: Confronting the Contradictions*

of *Postwar Peace Operations*, eds., Roland Paris and Timothy D. Sisk (Oxon: Routledge, 2009).

Parsons, Craig. *How to Map Arguments in Political Science* (New York: Oxford University Press, 2007).

Pedersen, Jon. "Three Wars Later...Iraqi Living Conditions," in *Iraq: Preventing a new Generation of Conflict*, eds., Markus E. Bouillon, David M. Malone and Ben Rowsell (Boulder: Lynne Rienner Publishers, 2007), 55-70.

Peleg, Ilan. "Transforming Ethnic Orders to Pluralist Regimes: Theoretical, Comparative and Historical Analysis," in, ed. Adrian Guelke. *Democracy and Ethnic Conflict* (New York: Palgrave MacMillan, 2004).

Peters, B. Guy and Jon Pierre. "Governance, Government and the State," in *The State: Theories and Issues* (New York: Palgrave MacMillan, 2006).

Petersen, D. Roger. *Understanding Ethnic Violence* (Cambridge: Cambridge University Press, 2002).

Phillips, L. David. *Losing Iraq* (New York: Westview Press, 2005).

Pierre, Jon and B. Guy Peters. *Governing Complex Societies* (New York: Palgrave MacMillan, 2005).

Pierson, Paul. "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review*, 94.2 (June 2000): 251-267.

—Pierson, Paul and Theda Skocpol. "Historical Institutionalism in Contemporary Political Science," in *Political Science: State of the Discipline*, eds., Ira Katznelson and Helen V. Milner (Washington: W. W. Norton & Company, 2002).

—"Big, Slow-Moving, and...Invisible: Macrosocial Processes in the Study of Comparative Politics," in *Comparative Historical Analysis in the Social Sciences*, eds., James Mahoney and Dietrich Rueschemeyer (New York: Cambridge University Press, 2003), 177-207.

—*Politics in Time* (Princeton: Princeton University Press, 2004).

Polanyi, Karl. *The Great Transformation* (Boston: Beacon Press, 2001).

Pool, David. "From Elite to Class: the Transformation of Iraqi Leadership, 1920-1939," *International Journal of Middle East Studies* 12 (1980): 331-50.

Posner, N. Daniel. *Institutions and Ethnic Politics in Africa* (New York: Cambridge University Press, 2005).

—Posner, N. Daniel and Daniel L. Young. “The Institutionalization of Political Power in Africa,” *Journal of Democracy*, 18.3 (2007): 126-40.

Poulantzas, Nicos. *State, Power, Socialism* (London: Verso, 2000).

Power, J. Timothy and Mark J. Gasiorowski. “Institutional Design and Democratic Consolidation in the Third World,” *Comparative Political Studies* 30.2 (April 1997): 123-55.

Przeworski, Adam. *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991).

Rabushka, Alvin and Kenneth A. Shepsel. *Politics in Plural Societies* (Columbus: Charles E. Merrill Publishing Company, 1972).

Reilly, Benjamin. *Democracy in Divided Societies* (New York: Cambridge University Press, 2001).

Reynolds, Andrew. *Designing Democracy in a Dangerous World* (Oxford: Oxford University Press, 2011).

Rhodes, R.A.W. “Old Institutionalism,” in *The Oxford Handbook of Political Institutions*, eds., R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2009).

Romano, David. “Whose House is this Anyway? IDP and Refugee Return in Post-Saddam Iraq,” *Refugee Studies* 18.4 (December 2005): 430-53.

Rubin, H. Avshalom. “Abd al-Karim Qasim and the Kurds of Iraq: Centralization, Resistance and Revolt, 1958-1963,” *Middle Eastern Studies* 43.3 (May 2007): 353-82.

Rueschemeyer, Dietrich. “Can One or a Few Cases Yield Theoretical Gains?” in *Comparative Historical Analysis in the Social Sciences*, eds., James Mahoney and Dietrich Rueschemeyer (Cambridge: Cambridge University Press, 2003).

Ruspini, Elisabetta. “Longitudinal Research in the Social Sciences,” *Social Research Update*, Issue 20 (2000).

Rustow, A. Dankwart. “Transitions to Democracy: Toward a Dynamic Model,” *Comparative Politics* 2.3 (April 1970): 337-63.

Saideman, M. Stephen, David J. Lanoue, Michael Campenni, and Samuel Stanton. "Democratization, Political Institutions, and Ethnic Conflict: a Pooled Time-Series Analysis, 1985-1998," *Comparative Political Studies* 35.1 (2002): 103-29.

Sanders, Elizabeth. "Historical Institutionalism," in *The Oxford Handbook of Political Institutions*, eds., R.A.W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2008).

Saouli, Adham. *The Arab State* (London: Routledge, 2012).

———"Back to the Future: Arab uprisings and state (re)formation in the Arab World," *Democratization* 22.2 (March 2015): 315-34.

Sassoon, Joseph. *Saddam Hussein's Ba'th Party: Inside an Authoritarian Regime* (New York: Cambridge University Press, 2012).

Schlumberger, Oliver. "Arab Authoritarianism: Debating the Dynamics and Durability of Nondemocratic Regimes," in *Debating Arab Authoritarianism* (Stanford: Stanford University Press, 2007).

Schmidt, A. Vivien. "Comparative Institutional Analysis," in *The Sage Handbook of Comparative Politics*, eds., Todd Landman and Neil Robinson (London: SAGE, 2009).

Schnabel, Albrecht and Hans-Georg Ehrhart. "Post-conflict societies and the military: Challenges and problems of security sector reform," in *Security Sector Reform and Post-Conflict Peacebuilding*, eds., Albrecht Schnabel and Hans-Georg Ehrhart (Tokyo: United Nations University Press, 2005).

Scott, W. Richard. *Institutions and Organizations*, 3rd Ed. (Thousand Oaks: Sage Publications, 2008).

Sharabi, H. B. *Government and Politics in the Middle East in the Twentieth Century* (Princeton: D. Van Nostrand Company, 1962).

Shils, Edward. "Primordial, Personal, Sacred and Civil Ties: Some Particular Observations on the Relationships of Sociological Research and Theory," *The British Journal of Sociology*, 8.2 (June 1957): 130-45.

Sisk, D. Timothy. *Power Sharing and International Mediation in Ethnic Conflicts* (Washington: United States Institute of Peace, 2002).

Sissons, Miranda and Abdulrazzaq Al-Saiedi. "A Bitter Legacy: Lessons of De-Baathification in Iraq," *International Center for Transitional Justice*, March 2013. <https://www.ictj.org/sites/default/files/ICTJ-Report-Iraq-De-Baathification-2013-ENG.pdf>

Simon, Reeva Spector and Eleanor H. Tejirian. "Introduction," in *The Creation of Iraq, 1914-1921*, eds., Reeva Spector Simon and Eleanor H. Tejirian (New York: Columbia University Press, 2004).

———*Iraq Between the Two World Wars* (New York: Columbia University Press, 2004).

Slater, Dan. "Altering Authoritarianism: Institutional Complexity and Autocratic Agency in Indonesia," in *Explaining Institutional Change: Ambiguity, Agency, and Power*, eds., James Mahoney and Kathleen Thelen (New York: Cambridge University Press, 2010).

Sluglett, Farouk-Mario, and Peter Sluglett. *Iraq Since 1958* (London: I.B. Tauris, 2003).

Sluglett, Peter. *Britain in Iraq* (New York: Columbia University Press, 2007).

Skocpol, Theda. *States and Social Revolutions: a Comparative Analysis of France, Russia, and China* (Cambridge: Cambridge University Press, 1979).

Snyder, Richard and James Mahoney. "The Missing Variable: Institutions and the Study of Regime Change," Review Article, *Comparative Politics* 32. 1 (October 1999): 103-22.

Soifer, Hillel David. "The Causal Logic of Critical Junctures," *Comparative Political Studies*, 45.12 (December 2012): 1572-97.

Special Inspector General-Iraq Reconstruction. *Hard Lessons: the Iraq Reconstruction Experience* (Washington: U.S. Government Printing Office, 2009).

Spruyt, Hendrik. "War, Trade, and State Formation," in *The Oxford Handbook of Comparative Politics*, eds., Carles Boix and Susan C. Stokes (Oxford: Oxford University Press, 2009).

Stansfield, Gareth. "The Transition to Democracy in Iraq: Historical legacies, resurgent identities and reactionary tendencies," in *The Iraq War and Democratic Politics*, eds. Alex Danchev and John MacMillan, (New York: Routledge, 2005).

Steinmo, Sven. "Historical Institutionalism," in *Approaches and Methodologies in the Social Sciences*, eds., Donatella Delta Porta and Michael Keating (Cambridge: Cambridge University Press, 2008).

Stepan, Alfred and Juan J. Linz. *Crafting State-Nations: India and Other Multinational Democracies* (Baltimore: Johns Hopkins University Press, 2011).

Stinchcombe, L. Arthur. *Constructing Social Theories* (New York: Harcourt, Brace & World, 1968).

Streeck, Wolfgang and Kathleen Thelen. *Beyond Continuity: Institutional Change in Advanced Political Economies* (New York: Oxford University Press, 2005).

Sullivan, Meg. "UCLA Study of Satellite Imagery Casts Doubt on Surge's Success in Baghdad" (Sept. 19, 2008),

<http://www.international.ucla.edu/asia/news/article.asp?parentid=97597>

Talentino, Kathryn Andrea. "The Two Faces of Nation-Building: Developing Function and Identity," *Cambridge Review of International Affairs* 17.3 (October 2004): 557-75.

Tarbush, A. Mohammad. *The Role of the Military in Politics: a Case Study of Iraq to 1941* (London: Kegan Paul International, 1982).

The Economist. "Iraq Ten Years on: the Slow Road Back," March 2 2013: <http://www.economist.com/news/briefing/21572777-decade-after-american-led-invasion-iraq-place-patchy-progress-and-dysfunctional>

Thelen, Kathleen and Sven Steinmo. "Historical Institutionalism in Comparative Politics," in *Structuring Politics: Historical Institutionalism in Comparative Politics*, eds., Sven Steinmo, Kathleen Thelen, and Frank Longstreth (Cambridge: Cambridge University Press, 1992).

———"Historical Institutionalism in Comparative Politics," *Annual Review of Political Science*, 2 (1999): 369-404.

———"How Institutions Evolve," in *Comparative Historical Analysis in the Social Sciences*, eds., James Mahoney and Dietrich Rueschemeyer (New York: Cambridge University Press, 2003).

Tilly, Charles. *Big Structures, Large Processes, Huge Comparisons* (New York: Russell Sage Foundation, 1984).

———"Why and How History Matters," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (Oxford: Oxford University Press, 2009), 521-540.

———*Regimes and Repertoires* (Chicago: University of Chicago Press, 2006).

Tripp, Charles. *A History of Iraq* (Cambridge: Cambridge University Press, 2000).

Ucko, H. David. "Militias, Tribes and Insurgents: the Challenge of Political Reintegration in Iraq," *Conflict, Security and Development* 8.3 (September 2008): 341-73.

United Nations Fifty-fifth Session of the Commission on Human Rights, "Statement of Mr. Max Van Der Stoel, Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Iraq," March 22-April 30 1999.

United Nations High Commissioner for Human Rights, *Human Rights Council Resolution S-22/1*, September 1 2014:
<http://www.ohchr.org/EN/HRBodies/HRC/SpecialSessions/Session22/Pages/22ndtSpecialSession.aspx>

United Nations Security Council. S/RES/1483 (2003): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/368/53/PDF/N0336853.pdf?OpenElement>

United Nations Peacekeeping. *Disarmament, Demobilization, and Reintegration*:
<http://www.un.org/en/peacekeeping/issues/ddr.shtml>

United States Department of State. *Visions of Freedom: 100 Iraqis Meet in Nasiriyah and Create Basis for New Government*, April 15 2003: <http://2001-2009.state.gov/p/nea/rls/19714.htm>

— *The Future of Iraq Project* (2002). Unclassified August 12 2005.

U.N. News. “ISIL may have committed genocide, war crimes in Iraq, says UN human rights report,” March 19 2015:
http://www.un.org/apps/news/story.asp?NewsID=50369#.VS_acEu4NRH

United States Iraq Survey Group Comprehensive Report. *Regime Strategic Intent*, Vol. 1 (30 September 2004).

Van Evera, Stephen. *Guide to Methods for Students of Political Science* (Ithaca: Cornell University Press, 1997).

Varshney, Ashutosh. *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven: Yale University Press, 2002).

— “Ethnicity and Ethnic Conflict,” in *The Oxford Handbook of Comparative Politics*, eds., Carles Boix and Susan C. Stokes (New York: Oxford University Press, 2009).

Visser, Reidar. “Iraq’s New Government and the Question of Sunni Inclusion,” September 2014: <https://www.ctc.usma.edu/posts/iraqs-new-government-and-the-question-of-sunni-inclusion>

Waldmann, Peter. “The Dynamics of Violence and the Dynamics of Peace.” In *Facing Ethnic Conflicts*, eds., Andreas Wimmer et al (Lanham: Rowman and Littlefield, 2004), 96-110.

Washington Post. “Shiite villagers describe ‘massacre’ in northern Iraq,” June 23 2014: http://www.washingtonpost.com/world/shiite-villagers-describe-massacre-in-northern-iraq/2014/06/23/278b0fb2-76c8-4796-83f7-840c277e93d8_story.html

Watson, Evan. "Treated like cattle": Yazidi women sold, raped, enslaved by ISIS," *CNN* October 30 2014: http://www.cnn.com/2014/10/30/world/meast/isis-female-slaves/?cid=ob_articlesidebarall&ieref=obinsite

Weber, Max. *Economy and Society* (Berkeley: University of California Press, 1978).

Wedeen, Lisa. "'As If': Symbolic Politics and Social Control in Syria," *Comparative Studies in Society and History* 40.3 (July 1998): 503-23.

White House. "The National Security Plan," <http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/print/index.html>

—Report to Congress. "Update report on United States Strategy for Relief and Reconstruction in Iraq," available at: http://www.whitehouse.gov/sites/default/files/omb/legislative/1506_final101503.pdf

Willard, Philip. *Iraq: a Study in Political Development* (New York: Russel & Russel, 1970).

Wimmer, Andreas. "Who Owns the State? Understanding Ethnic Conflict in Post-Colonial Societies," *Nations and Nationalism* 3 (1997): 631-66.

—*Nationalist Exclusion and Ethnic Conflict* (Cambridge: Cambridge University Press, 2002).

—"Democracy and Ethno-religious Conflict in Iraq," *Survival*, 45. 4 (Winter 2003): 111-34.

—"The Making and Unmaking of Ethnic Boundaries: a Multilevel Process Theory," *American Journal of Sociology* 113.4 (January 2008): 970-1022.

Wolff, Stefan. "Managing and Settling Ethnic Conflicts," in *Managing and Settling Ethnic Conflicts* eds., Ulrich Schneckener and Stefan Wolff (London: Hurst & Company, 2004), 1-17.

—*Ethnic Conflict* (Oxford: Oxford University Press, 2006).

Wright, Quincy. "The Government of Iraq," *American Political Science Review* 20.4 (November 1926): 743-69.

Yin, K. Robert. *Case Study Research: Design and Methods*, 3rd Ed. (Thousand Oaks: Sage Publications, 2003).

Zartman, William. "Putting Humpty-Dumpty Together Again," in *The International Spread of Ethnic Conflict*, eds., David A. Lake and Donald Rothchild (Princeton: Princeton University Press, 1998), 317-336.

Ziblatt, Daniel. *Structuring the State: the Formation of Italy and Germany and the Puzzle of Federalism* (Princeton: Princeton University Press, 2008).

Zubaida, Sami. *Islam, the People, and the State* (London: I.B. Tauris, 1993).

———"The Fragments Imagine the Nation: the Case of Iraq," *Survival*, 34. 2 (May 2002): 205-15.

Appendix A

Index A: Laws and Regulations, 1958-1968 (First and Second Republic)

Law/Regulation	Year	Significance
1958 Interim Constitution	1958	Proclaimed Iraq a republic
Law No. 1-Purge of Judicial Officials	1958	Force retirement and purging of judges from monarchical era. Extended subsequently under different transformations
Law No. 2-Purge Law for Officials	1958	Purged all governing institutions of monarchical-era officials, repeatedly amended until 2003
Law No. 7-Punishing perceived enemies of state	1958	Targeted perceived enemies of state and the revolution through extra-judicial means
Interim Constitution	1958	Proclaimed Iraq a republic, part of Arab world
Law No. 7	1958	Punished anyone perceived to be plotting against the state or the ruling system
Law No. 115-Law for the Public Concourses and Demonstrations	1960	Heavily centralized and limited freedom of assembly
Regulation No. 18-Establishment of the Ministry of Interior	1960	Extended the power of the executive to manage the administrative and bureaucratic functioning of the state

Law No. 99-Amending the Baghdad Penal Code	1960	Proscribed insults directed at the president, the prime minister or the commander-in-chief of the armed forces who participated in the July 14th Revolution of 1958
Regulation No. 50, Ministry of Guidance	1961	Reoriented society toward the aspirations of regime and the 1958 revolution through “publication, broadcasting, and propaganda.” This ministry would play a formidable role as a surveillance system under the Ba’thist era.
Law No. 158-for the Iraqi News Agency	1961	State and government sponsored media directed by the executive branch with representatives from the ministries of guidance, planning, defense, interior, and foreign affairs. Paved the way for blocking independent media by successive governments until 2003.
Law No. 1-Societies Law	1961	Placed limits and restrictions on freedom of association, managed by the ministry of interior, societies could not contradict the government, regime, or the revolution.
Law No. 98-Iraqi Journalist Association	1962	Founded by the executive branch, limited freedom of speech, prohibited the publication of anything deemed harmful to the revolution and the state.
Press Law No. 24	1963	Created by the Revolutionary Command Council following 1963 revolution, required all free press to apply for permits from ministry of guidance, severely restricted freedom of press
Law No. 35-National Guard	1963	Became a key security apparatus of the RCC
Law No. 25-Establishing the Revolutionary Command Council	1963	Initially formed as the National Council of the Revolutionary Command following the 1963 Arif coup, this key institution became the executive and legislative and primary governing body in Iraq until 2003.
Law No. 9-Economic Organization	1965	Heavily centralized and nationalized economic sectors
Law No. 100-Nationalization of Commercial Banks	1965	Nationalized all private and non-governmental banks, monitored by a government appointed “Public Organization for Banks.”
Law No. 138, National Defence Council	1966	Granted wide powers to the armed forces.
Law No. 58-Teachers Union	1967	Executive order to create a teachers’ union, heavily centralized and limited its operating structure and tied its scope and objectives to promote Pan-Arabism and Islamic renaissance.
Law No. 2 Supreme Council of Universities	1967	Reported to the Ministry of Education, this consultative body allowed the executive branch to interfere in the administration of public and private post-secondary education in Iraq.
Law No. 38 Purging of Government System	1967	Created an institutional mechanism within the Executive branch specifically tasked with monitoring, investigating, and purging government employees deemed engaging in questionable behaviour.

Index B: Laws and Regulations, 1968-1984 (Formative Years of the Ba’thist Takeover)

Law/Regulation	Year	Significance
Law No. 96-Students Union of Iraq	1968	Created by the RCC and centered around Baghdad, institutionalized government control and censorship over student activities across the country. Aimed at propagating and imparting Arab nationalism to encapsulate and minimize other influences.
Regulation No. 14-Standardisation of the Emblem of Iraq	1968	Institutionalized banal forms of Arab and Ba'thist nationalism.
Regulation No. 26-Establishing Ministry of Northern Affairs	1968	Included a directorate for Kurdish studies, this department created by the RCC to create an institutional mechanism for centralizing Kurdish affairs in the northern regions.
Regulation No. 44-Elementary, Intermediate and Preparatory Religious Schools	1968	Enabled federal government to dictate and censor the mandate and objectives of religious school across Iraq by choosing the schools' directors and teachers.
Law No. 61-Creating the Diwan (Office) of the Republic Presidency	1968	The highest executive and decision-making institution of the RCC. This deeply centralized office effectively dictated all executive, legislative, and judicial matters in Iraq until 2003.
Law No. 123-Establishing the Iraqi National Oil Company	1968	Centralized and nationalized the country's largest industrial and resource sector in Iraq as a rentier state.
Law No. 66-Ministry of Youth Guidance	1968	An institutional mechanism for absorbing, co-opting, controlling, and shaping future leaders of the revolution and the regime by creating a framework for promoting Arabism and Islamic ideals among Iraqi youth.
Law No. 76-Chivlary and Youth Regiments	1968	Engaging Iraqi youth with the armed forces and the military to create and mobilize younger cadres for the purpose of national defence. This was purposive of militarizing Iraqi youth.
Law No. 206-Press Law	1969	Created under the 1968 Constitution to supplement the 1963 Press Law. Regulated and suppressed freedom of expression, particularly political and religious expression.
Law No. 171-Supreme Council for Universities	1969	RCC created mechanism to encapsulate higher education under its mandate. PM presided over the council, which included the Minister of Education, presidents of all universities. Dictated the educational and curriculum of universities in Iraq.
Law No. 7-Election of Parliament	1969	Delineated the country's electoral system. Candidates and lists pending the approval of the Ministry of Interior and the RCC prior to participation in election. Severely limited and restricted electoral and party pluralism. Article 20 stipulated that all candidates have to be "faithful in the 14 th July Revolution, its principles and aims." Effectively limiting any form of political pluralism that diverged from the ideology of the Ba'thist takeover of 1968.
Law No. 8-Establishment of the University of Basrah	1969	Created by the President of the republic, as with Iraq's other universities, one of its aims was to control and disseminate of Ba'thist principles.

Law No. 190-Establishment of the University of al-Hikmah	1969	Under the same mandate at the University of Basra. President of the University was appointed by a republican ordinance from the RCC.
Law No. 191, Secretariat Office and Consultative Offices for the Council of Revolutionary Command	1969	The most important executive office behind the Republican Diwan and the RCC. It became the primarily institutional mechanisms for consolidating and managing a highly centralized network of state structures and institutions under the command of the RCC.
1968 Ba'th Interim Constitution	1969	Instituted and formalized Ba'thist rule and the RCC
Resolution No. 79 of the Council of Revolutionary Command	1969	Enabled the RCC to "issue the laws and resolutions which have the force of law without resorting to the Council of Ministers." Became the impetus for Saddam Hussein's rule by decree from 1979-2003.
Regulation 21 of the Holy Shrines	1969	Heavily regulated and brought the management and administration of the Shi'i Holy Shrines under the RCC in order to control and minimize the power of Shi'i religious figures and <i>awqaf</i> (religious endowments).
Law No. 178-Journalists Association	1969	Replaced the mandate of the 1962 law. Mandate and limited the activities of journalists to work within the framework of Ba'thist, Pan-Arab, and socialist principles. Severely limited freedom of association.
Law No. 11-Ministry of Interior	1970	Operating structure of the ministry of Interior.
Law No. 143-Establishing Sulaimaniyah University	1970	RCC order. Teaching in Kurdish and Arabic languages. Islamic and Kurdish Emphasis on Islamic and Kurdish heritage, national education, and moral virtues. Heavily administered by the central government.
Law No. 159 Establishing the Supreme Constitutional Court	1970	Created by the Council of Ministers, the Ministry of Justice and the RCC to interpret laws. Administered and mandated by the RCC and the executive, all decisions approved by the executive. Enabled RCC To interpret and change laws
Law No. 145-Establishing the Al-Thawra Publishing and Printing House	1970	Al-Thawra (the revolution) was created by an executive order as the magazine of Iraq's government. It became an instrument of the regime propaganda especially in its emphasis on Saddam and the militarization of the state.
Law No. 55-Lease of Lands and Gardens Belong to the Jews Whose Iraq Nationalities were Withdrawn	1970	Enabled government under the Agrarian reform law to usurp Jewish lands for agricultural purposes.
Law No. 127-Amending the Law of General Institution of Broadcast and Television No. 42 of 1970	1970	Although the amendment stipulated the board is independent of the executive, it stipulated that its members had to include a representative from the ministries of Defence, Foreign Affairs, RCC, the Director General of Iraqi News Agency, a representative from the General Federation of trade Unions and a representative from the artists association; thus, heavily centralized its scope and mandate.

Resolution No. 996-Establishing the Kurdish Academy	1970	A branch of the Iraqi Scientific Academy, it aimed to promote Kurdish history, heritage, and linguistic rights. Although the academy was an independent body, it was nonetheless heavily monitored and administered by the RCC and the Ba'th regime.
Interim constitution	1971	
Law No. 167-Establishing Mustansiriyah University	1971	Government-created by an order of the RCC. Located in Baghdad.
Law No. 45-Creation of the Office of Propaganda and Advertisement	1971	RCC order and administered by Ministry of Information. Purpose was to disseminate state-sanctioned propaganda and advertisements through newspapers, television, cinema, wall plasters, and handbooks.
Law No. 212, Amending Law Concerning Organizations of the Control of Entertainment Places and Theatres	1971	RCC created committees assigned to the control of entertainment places and cinemas within municipalities across Iraq.
Law No. 228-Creation of the National Council	1971	Order of the RCC, centred in Baghdad, 100 member body, members appointed by the RCC for 3 years from various political, economic, social and national sectors of "progressive native and national elements."
Law No. 62, Establishing Sports Unions	1971	Created by the RCC and Ministry of Youth, based in Baghdad, administered and mandated by the executive.
Law No. 67-Services of Religious and Charity Establishments	1971	Heavily regulated all Islamic religious establishments in Iraq.
Law No. 78-Administration of the Assyrian Community in Iraq	1971	RCC and Ministry of Justice executive order to create a committee to administer the affairs of the Assyrian community, including religious <i>Awqafs</i> (endowments, churches, schools and all matters and affairs concerning the community.
Law No. 124-Ministry of Education	1972	RCC created, heavily mandated the orientation of elementary and secondary education with an emphasis on Arab and Islamic cultures, and the nationalist aspirations of the state.
Regulation No. 13-Ministry of Education	1972	Outlined the operational structure of the ministry, provided special provisions for Kurdish and Turkmen education in their respective territorial areas.
Law No. 165-Municipal Administration	1972	Outlined the administration of provincial and municipal territories and district and the formation of municipal Councils elected by the population of given municipalities.
Regulation No. 47-Ministry of Economics	1972	
Regulation No. 13-Ministry of Youth	1972	Similar to the Ministry of Youth and Guidance of 1968, this institution was created by the RCC in order to prepare the youth "mentally, nationally and socially in accordance with the high interests of building a socialist and progressive society and to prepare programmes for the building of strong youthful spirits and decided believing in the objects of the Arab nation and its immortal destination and capable of executing its national duties who shall be prepared to defend the

Law No. 34-Office of Legal Affairs of the RCC	1972	Arab land and struggle against colonization and imperialism.” RCC apparatus, members and director appointed by RCC, surveyed Iraq’s legal system and laws to ensure their compatibility with the “direction of political and social thought of the Revolution.” Purpose was to reformulate laws of the country to suit the purposes and objectives of the RCC and revolution.
Law No. 132-Higher Education and Scientific Research	1973	Created by Ministry of Education and RCC, integration of key education and scientific branches of various political, defence, economic, and social aspects of the state and to fulfil the objectives and requirements of the Revolution’s.
Resolution No. 440-Establishment of Syriac Language Academy	1973	RCC Mandate to grant the Assyrian community the right to teach this “ancient language of Iraq” in its full linguistic and cultural form. Heavily mandated and monitored by the RCC.
Law No. 42-State Organization of Radio and TV	1973	Created by the RCC-a key mandate was to use radio and TV to spread the national (i.e. Ba’thist) awakening among the people
Regulation No. 22-Directorate of Kurdish Studies	1974	RCC mandated and monitored by the ministry of education, for the teaching of Kurdish language and culture
Regulation No. 21-Ministry of Information	1974	Controlled and disseminated the Party’s agenda and ideology through the following: 1) to acquaint the “masses” with Arab and Islamic civilization and to assimilate its message 2) develop the nationalist consciousness of the people 3) resurrections of Islamic and Arab legacy 4) supporting folklore, the arts, and cultures 5) to direct people to the Arab cause. It included the department of censorship under its mandate.
Law No. 139-General Federation for Iraqi Women	1974	Included the Kurdistan Women’s Federation, one of its key aims was to “prepare and mobilize the women of Iraq to play their active role in the struggle of the Arab Nation against Imperialism, Zionism, Reactionism and under-development with a view to achieve cultural progress and the building up of a United Socialist Democratic Arab Society.”
Law No. 36-Legislative Council for Kurdistan District	1974	Created an elected legislative body for Iraqi Kurds, although heavily centralized.
Law No. 37-General Amnesty for Militarian and Civilian Kurds	1974	RCC order, pardoned Kurds failed to report to military duty if they reported to and joined their local or provincial Iraqi military ranks.
Law No. 64-Censorship on Classified Materials and Cinema Films	1974	RCC order to censor and prohibit the importation of classified materials such as foreign films, commercials, videotapes, and music and dancing that: 1) propagate atheism, sectarianism, corrupt morals, high crime, alcoholism, gambling, use of narcotics, and that are deemed a threat to internal security 2) propagate reactionary, chauvinistic, radicalism, thoughts favouring “defeatism, imperialism, and Zionism 3) that offend the Arab nation, its goals,

Interim Constitution	1974	destiny, and the offend the national liberation movement 4) not translated into Arabic.
Law No. 33-Law of Autonomy for Kurdistan Region	1974	With Amendments Based on the 1970 Manifesto, this RCC issued order gave territorial and legislative autonomy to Kurds in the Kurdish-region of northern Iraq where Kurds constituted a majority to administer their internal affairs within the political, economic, and social framework of the federal government and the Iraqi Constitution of 1970.
Law No. 63 General Federation of Iraq Youth	1975	RCC created, included the Kurdistan Democratic Youth Federation with the primary role of mobilizing and prepare Iraqi youth to fulfil their “revolutionary role in the Arab Nation struggle against imperialism, Zionism, and reaction for the sake of civilization progress and building the unified socialist democratic Arab Society.” 2) solidarity and unity between Arab and Kurdish Youth 3) participation in the Arabian revolution and the Arabian armed struggle and the Iraqi Ba’thist revolution.
Law No. 111-Al-Tadhamon House for Kurdish Printing and Publication	1976	RCC order, supervised by Ministry of Information, facilitated printing and publishing in Kurdish.
Law No. 115-Educadional Affairs Council	1977	Served to integrate and strengthen the educational curriculum to realize the “political economic and social planning of the revolution” and to push for progress through by building and structure the educational system and Iraqi society around Arab unity, freedom, and socialism. This law effectively instituted Ba’thist ideology within the education system in Iraq.
Regulation No. 4-Administrative Formations for Autonomy of Kurdistan Region	1977	RCC order, dictated the duties and management of Kurdish administration.
Law No. 101-Formation of the Ministry of Justice	1977	RCC order, to develop and apply laws within the framework and purposes of the Revolution and its aims.
Law No. 89-National Development Plan	1978	Fulfilling mandate of 8 th Regional Congress, to conduct, steer, and establish the socialist system as a method for establishing Arab unity. Purpose: a) accelerate the development processes outlined in the revolution to establish economic independence in the form of a comprehensive socio-economic development to change society; b) construct and develop socialist modes of societal organization an economic development
Law No. 133-Ministry of Culture and Arts	1978	RCC order, some purposes: 1) developing and guiding fields of culture and arts in accordance with the Ba’th party principles and its revolution 2) revive Islamic and Arab legacy in order to counter reactionary movements, racism, Zionism and imperialism 3) develop national cultures of minorities in accordance with the principles of the Party and Revolution.

Regulation No. 37-Teachers Training Regulation	1978	RCC issued: outlined guidelines for training teachers within ideological framework of the Ba'th Party.
Resolution 884-Former government employees	1978	RCC order: the death penalty will be awarded to any for military and police men and women and their pensioners of volunteers who's service was terminated after July 17 1968 (post-Ba'thist takeover) who joined any other political party other than the Ba'th Socialist Party.
Law No. 163-the Iraq Academy	1979	RCC order, bolstering Arabic and Islamic heritage, language, literature, and art, granted special rights for the development and maintenance of Kurdish and Syriac (Assyrian) linguistic rights. Consisted of 38 members, including members/experts from the above communities. Heavily mandated by Ba'thist ideals.
Resolution No. 565-Jurisdiction of the Revolutionary Court	1979	RCC order, gave wide-ranging powers and the RCC jurisdiction over almost all major offenses to be tried in a non-civil court, which would override constitutional rights of suspects.
Resolution No. 895-Election of Saddam Hussein as Chair of RCC	July 16 1979	Saddam Hussein was unanimously elected as the chairman of the RCC and President of the republic until 2003.
Resolution No. 903	1979	Saddam decides to integrate the presidents of the Legislative and Executive Councils for autonomous region (Kurdistan) as members of the Council of Ministers, heavily centralizing their rule and jurisdiction within the RCC.
Resolution No. 928	1979	Council of ministers to be chaired by the President of the Republic and the he can summon the Council for meetings at any time.
Regulation No. 11 for Kindergarten	1979	RCC issued order that stipulated the mandate and the educational, emotional, mental, and academic development children in kindergarten. A key objective was to impart and secure children's cooperation with the principles of Arab society and for the creation of "citizenship and national consciousness emphasizing the national goals of the Arab Ba'th Socialist Party, hence to cultivate the spirit of the revolution and homeland inside the children."
Law No. 142-Teacher's Union for the Republic of Iraq	1980	RCC order, a non-independent body, created the Teacher's Union for teachers who believe in the Ba'thist revolution and who can fulfil their national duty to protect and mobilize society. As with other RCC created unions, it became a mechanism for both controlling and diffusing Ba'thist ideology.
Regulation No. 30-Primary Schools	1980	RCC order, regulated, organized, and promulgated laws for the administration of primary schools in Iraq. Similar to the 1979 Kindergarten administration, the Primary Schools Regulation likewise emphasized the development of school children to fulfil the socialist and ideological principles of the Ba'th Party.
Law No. 83-Guarantee of Trustees in Defence of the Revolution	1980	RCC order for intelligence officers. Trustee any person who "works with or without wage on behalf of the one of security departments": a) presidency of public

		intelligence b) Directorate General of Security c) Directorate General of Military Intelligence.
Law No. 195-Ministry of Labour and Social Affairs	1980	Outlined the operating structures of the department of labour and social affairs by disseminating the Ba'th Party's ideas within their policy-making capacity.
Resolution No. 518	1980	RCC order by Saddam Hussein to not grant Iraqi citizenship to any person of Iranian origin.
Resolution No. 526	1980	RCC order by Saddam Hussein to except from punishment anyone who within 2 weeks of issuing the order, turns himself in and provides information regarding the Da'wa Party (the main Shi'i opposition party), its members, its operations, and logistics operating within Iraq.
Law No. 55-the National Assembly	1981	RCC issued, stipulated the mechanisms for elections to the National Assembly (Iraq's parliament and largest elected body). Comprised of 250+, members chosen by a direct free ballot, candidates had to be 25 years+, Iraqi by birth, supporter of the Ba'thist revolution, 1 representative/50,000 people; heavily supervised by an RCC appointed supreme electoral body, containing members of the Ba'th Party; call candidates approved by RCC and Ministry of Interior.
Law No. 50-Ministry of Awqaf (religious endowments) and Religious Affairs	1982	RCC order-managed and administered all religious endowments, committee contained Ba'th Party member and other appointed representatives, became an instrument for state interference in the religious affairs of communities, particularly the Shi'i community.
Law No. 137-Iraqi Jurists Federation	1982	RCC created federation for Iraqi jurists, mandated by the executive to facilitate the development of legal thought, justice among citizens, and to serve the national development and socialist plans of the Ba'th Party.
Law No. 57-National Institute for Youth	1982	RCC order. Purpose to foster leadership among Iraqi youth both regionally and nationally within the principles of the Ba'th Party.
Law No. 70-Genera Federation of Literates and Writers in Iraq	1983	RCC order, to regulate Iraqi writers and artists and mandate content production to fulfil the aims cultural, regional, national, and humanitarian ambitions of the Ba'thist revolution; to mobilize writers to confront colonialism, neo-colonialism, Zionism, and reactionism and to inspire the Arab and national Islamic heritage of the country.
Regulation No. 94-Ministry of Culture and Information	1983	RCC created, mandate: 1) to familiarize masses with Arab and Islamic civilization through information media; propagate and disseminate Ba'thist ideology and the July 17 Revolution2) help direct the public's consciousness toward their nation and the revolutionary cause; 3) "the ministry shall propagate, deepen and emphasise the ideology and principles of the Arab Ba'th Socialist Party in Iraq and the Arab Homeland."

Law on the International Regulation of the National Assembly	1984	RCC issued order outlining the operating structure of the National Assembly, its mandate and its function. The presidency of the National Assembly consisted of the Speaker, vice-speaker, and secretary, set the agenda and the budget of the assembly and coordinated its relations with the RCC. Gave RCC and National Assembly presidency office great leeway in removing an elected member
Law No. 104-State Organization for Social Reform	1984	RCC order. Purpose to re-socialize prison inmates and correct their behaviour, educated them about various cultural and religious schemes and the objectives of the Ba‘th party.
Law No. 5-Department of Censorship	1984	RCC order, heavily monitored, censored and suppressed freedom of speech and the press in accordance with the regime’s Ba’thist and socialist objectives.
Decree No. 840	1986	<ol style="list-style-type: none"> 1. RCC order on insulting the President: Anyone who insults the president of the republic, his deputy, the Revisionary Command Council, the Arabic Socialist Ba‘th Party, the National Assembly, or the government is subject to life imprisonment and confiscation of property, both transferable and non-transferable. If the insult took place in public with the intention of inciting public opinion against the authority, the punishment is death. 2. Anyone who publicly insults the courts or the armed forces or any of the other national authorities, office, and government establishments, is sentence to imprisonment for no more than seven years.

Appendix B

English Translation of the 1990 Interim-Iraqi Constitution

Introduction to the Constitution of the Republic of Iraq

In the Name of Allah the Beneficent, the Merciful

"...And Take Counsel with them in the affair; so when you have decided, then place your trust in Allah..."

Allah has Spoken the Truth.

It was three o'clock after midnight of Wednesday the 17th of July 1968.

The revolutionary act occurred again, even if in another form. On the strike of three o'clock in the afternoon on Tuesday the 30th of July, when the people thundered and bolted, expressing their revolution for what they demand, after the ability has matured to act towards the aims in the conscience of the Ba'thists and their minds, from the noble

campaign until it turned to a disciplined, organized typhoon capable of achieving the aims that people wanted. There it was; the Great July Revolution.

When the corrupt ruling regime toppled and the power of the people prevailed, the Ba'thists represented the lead. They were the leaders in the rejection against corruption, and pioneers in the mission of Jihad, which was crowned by the success of their revolution between 3 o'clock in the morning of the 17th of July, and 3 o'clock on the night of July 30th.

The Ba'thists led the mission, ever since then, with fidelity, sincerity, and bravery seen so little in the modern Arab era and in the history of Iraq. They were in harmony with the greatness and honor of responsibility, and nobility of the aims and principles which they bore in their minds and hearts, and for which they presented great sacrifices.

Although the Ba'thists were the leaders of the revolution and the men of struggle and Jihad stances, in the circumstances of the revolution's eruption and its further journey, where the construction that achieved all this appropriate position of glory for the people, and their ability to protect their rights and gains toward all the circumstances of the following path and the vicissitudes of time.

And although, in all circumstances, they proved an exceeding ability to mobilize the people and audience, under the leadership of symbolic leader Saddam Hussein, and they accomplished all achievements that others were not capable of accomplishing in times of peace and war.

And although the great people of Iraq believed in their leadership role through all the mission's trials; the Ba'thies, or the leader of the people Saddam Hussein, were not the kind that would isolate themselves from life and from the obligations of the movement and interacting with it.

They did not fall for the arrogance of success and victories, including the historic victory of the Iraq-Iran war, so they won't drift from the interaction and great relation with the people, and so they won't fall in the abyss of solitude and narrow visions.

The July revolution, and the state's apparatuses that constructed it, were open to all the qualified who believed in the ascending path and the basics of the main principles of the new mission. This mission involved several parties, in addition to independent representative, and the Arab Socialist Ba'th Party. It also included the three powers of state—the legislative, executive, and judicial powers, in addition to its high circulations, side by side with the Ba'thists, and good citizens from different trends and parties.

The Arab Socialist Ba'th Party practiced its responsible leadership role and bore the sacrifices and risks accompanying this role in solely starting the July revolution without the participation of another political movement or party. Therefore, its leadership of the authority and society is a leadership of merit, which adds up to the competence of the role and ability to hold responsibility.

The chance to seize power in the name of the people was not only available for the Arab Socialist Ba'th Party. However, according to the traditional perspective, the chance was open to more parties and movements, and that's due to the focus of oppression against it, and the fear of the then authority apparatuses from it, dubbing the party "the nominee" to step up for its clear effectiveness and brave revolutionary struggle.

It is not wrong when we remind the people and affirm history that the signs of darkness and spite from the great and regional countries were lurking the Arab Socialist Ba'th Party

and made an enemy out of it; for reasons related to fearing it, or to the surrounding circumstances of what happened during its rule in the revolution of Ramadan – February 8, 1963, and its Arab relations back then.

Therefore, and in the name of the people, the party seized the opportunity, which no one else deserved in the blessed July revolution to lead the people and practice its leadership role in power.

The party practiced its leadership role on this basis and not on an arbitrary basis. It represented the people according to a responsible leading vision, without being secured by the constitution, and without looking down upon the parties that shared responsibility in following stages.

Despite all that, and although our people never requested any form of rule different from that to which they were used to in the July mission under any title or form of insistence and importunity similar to what happened and is happening in other experiments.

And as the people have been used to, and as their trust set in the right place entrusting the Ba'th party, and their son and leader Saddam Hussein, the conscience of the people was driven in to recognize what's best for the people and what represents their aspirations.

This constitution was therefore formed, along with its new provisions including electing the president of the country through direct confidential voting for the first time in Iraq's old and modern history. It also included handing in the responsibilities of the Revolution Leadership Council and the great consignment carried by this struggling leadership institution throughout twenty-two years, to new institutions decided by the constitution. The opportunity to form new parties was also granted.

All this was given in order to confirm the ability of the Ba'th party and the son of the people Saddam Hussein, in interacting with life and its successful leadership so that the great people of Iraq will remain in the lead of taking responsibility in the right path, to serve its goals and those of the Arab nation, on the basis of the Great July Revolution principles, and its excelling capability of constant development.

The Draft Resolution of the Republic of Iraq

First Division

The Republic of Iraq

Article One

Iraq is an independent sovereign state ruled by a republic-presidential regime/system.

Article Two

Iraq is a part of the Arab world, and seeks inclusive Arab Unity.

Article Three

The People are the source of power and its legitimacy, and they practice it through representatives or through a referendum.

Article Four

The Iraqi territory is an integral unit, and no part of that unit shall be relinquished for any reason or under any circumstances.

Article Five

Islam is the state's official religion.

Article Six

The Iraqi people constitute of Arabs and Kurds, and the constitution acknowledges the Kurds' national rights and guarantees the legitimate rights for all Iraqis within the unity of the country, state, and society.

Article Seven

Arabic is the official language. The Kurdish language shall also be an official language alongside Arabic within the self-ruled zone.

Article Eight

Baghdad is the capital city of Iraq.

Article Nine

First: The Iraqi flag, its slogan and national anthem, shall define the laws.

Second: The national holiday is July 17, marking the memory of the great July 17-30 revolution.

Article Ten

The political regime in Iraq is based on democracy and socialism, by virtue of the people's opinion and interest, and in what guarantees social justice and economic freedom defined through banning [forms of] exploitation.

Article Eleven

Iraq constitutes administrative units, and organizes its local affairs in terms of the law.

Article Twelve

By virtue of law, the regions of Iraq with a majority Kurdish population shall have self-rule in the framework of Iraq's legal, political, and economic unity, and the unity of its people.

Article Thirteen

Iraqi nationality and its regulations shall be ruled by law.

Article Fourteen

First: The armed forces are the armor of the country and its sword. Their duty is to defend the country, its independence and sovereignty, and protect its unity and security.

Second: The state, and only the state, undertakes the task of forming armed forces, and no other state has the right to established military or semi-military institutions or armed organizations.

Article Fifteen

Iraq shall respect the principles of International Law, and shall abide by the United Nations Charter, preserve the principles of good neighborliness, support international cooperation and development of friendly relations among countries. Iraq shall not interfere in internal affairs and shall resolve conflicts by peaceful means on the basis of equality, mutual interest, and reciprocity.

Second Division

The legal, social, and economic foundations of the Iraqi Republic

Chapter One

Legal Foundations

Article Sixteen

Authority in Iraq is practiced by virtue of constitutional regulations and laws. Each law shall not be contradictory to the constitution.

Article Seventeen

Law shall have authority above all relations and behavior of the society.

Article Eighteen

State institutions shall commit to the law and its sincere implementation in its businesses and behaviors in a way that guarantees the sovereignty of the law.

Article Nineteen

First: Regulations are issued to facilitate the implementation of laws, and they shall not be violated.

Second: Instructions are issued in order to clarify how to implement the law or regime, and they shall not be violated.

Article Twenty

Law shall not be retroactive, unless there was a clause indicating so. This exception shall not be referred to penal laws, tax laws, and financial costs, unless it served the indicted or taxpayer.

Article Twenty One

Laws and regulations and their instructions shall be published in the official gazette, and shall enter into force on the date of publishing; unless it included a clause that states otherwise.

Chapter Two Social Foundations

Article Twenty Two

First: Social solidarity is the first foundation of society, and its content indicates that the citizen shall perform his duties, fully, towards society. Society must guarantee the citizen's full rights and freedoms in a way that does not contradict the interests of society by virtue of law and the constitution's regulations.

Second: Society shall confirm the higher social harmony values, preventing the promotion of sectarian, racist, regional, or anti-Arabian sentiments.

Article Twenty Three

First: Family is the core of society, and the state seeks its development by virtue of high values and concepts of Iraqi society based on its heritage and modern and ancient values of the Arab Nation's heritage. It shall protect it and support its moral and patriotic resistance. The state shall also foster maternity and childhood.

Second: Care and mutual respect is prevalent among the members of the family by virtue of wellborn and ancient values of society in the framework of rights and duties as determined by law. Children shall respect the rights of parents and provide them with total care.

Article Twenty Four

Defending the homeland and maintaining its unity is a sacred duty and an honor to citizens.

Article Twenty Five

First: Martyrdom for the sake of the homeland, the nation, and principles of the people is an honor and high value for which the state and society work to promote its patriotic, national, social, and moral values.

Second: The state shall foster the parents of the martyrs by honoring them and giving them priority in privileges, facilities, and employment opportunities, according to law. The state also supports veteran fighters and those wounded in battles.

Article Twenty Six

Military service is compulsory. The law organizes its execution.

Article Twenty Seven

Financial taxes and fines are a duty that shall not be imposed, amended, or collected but by virtue of law.

Chapter Three Economic Foundations

Article Twenty Eight

The state undertakes control of the national economy in order to foster society's interest, protect it from exploitation, achieve economic prosperity, increase national income, advance livelihood standards, and achieve Arab economic unity.

Article Twenty Nine

Natural resources are owned by the people. The state invests in them in accordance with requirements of the public interest. The central authority shall, exclusively, take control of investing in the major natural resources such as oil, gas, minerals, in the form of a direct investment.

Article Thirty

Ownership is a social function. The law organizes how to conduct it, use it, and utilize it, in what complies with the public interests and economic and social foundations stated herein in the constitution.

Article Thirty One

The public property is owned by the people, and has a special sanctity. The state and the citizens shall provide its safety and protect it. Each step to vandalize it or trespass shall be deemed vandalism of the whole society, and an encroachment upon it.

Article Thirty Two

Private property and individual economic freedom are sponsored by law in a way that does not harm or contradict the interests of society and the economic and social foundations stated herein in the constitution.

Article Thirty Three

The state encourages coordinating activities and sponsors it.

Article Thirty Four

First: Private property shall not be dispossessed unless there are public interest requirements with a fair compensation stated by law.

Second: Private property shall not be confiscated or expropriated unless it was according to law or a judicial decision.

Article Thirty Five

First: Property ownership is banned for foreigners, unless there is an exception by law.

Second: Law regulates property ownership of citizens from Arab nations.

Article Thirty Six

Inheritance is a guaranteed right organized by law.

Article Thirty Seven

Law decides national currency.

Third Division Rights, Liberties and their Guarantees Chapter One Rights and Liberties

Article Thirty Eight

First: Citizens are equal in their rights and duties before the law, and they all have its protection without any discrimination.

Second: Equal opportunities are guaranteed for all citizens by virtue of law.

Article Thirty Nine

Suspects are innocent until proven guilty in a legal trial.

Article Forty

Law guarantees a suspect's right of defense directly or through an attorney.

Article Forty One

Each individual charged with a crime has the right of compensation according to law, in case there appears to be critical mistakes in achieving justice after sentences have been ruled.

Article Forty Two

First: Each assault against an employee or individual assigned with a public service while performing his task is considered a crime.

Second: Each assault by an employee or individual assigned with a public service against personal freedoms or the sanctity of the citizens' personal lives and other liberties covered by the constitution or law, is considered a crime.

Article Forty Three

First: The seizure, arrest, imprisonment, or detention of individuals shall not be permitted, unless by virtue of a warrant issued by a judicial or specialized party according to law.

Second: The state shall provide fair compensation to an individual in return for the damage caused by a breach in the (First) clause of this article.

Third: A seized or detained individual has the right to contact his family and lawyer.

Article Forty Four

Punishment shall be personal.

Article Forty Five

There is no crime or punishment except those stipulated by law. Punishment shall only be for an act that the law considers a crime when perpetrated. A harsher sentence than the legal applicable sentence at the time of the crime may not be imposed.

Article Forty Six

The sanctity, dignity, and honor of the people are safeguarded. The privacy, honor, and reputation of any individual shall not be arbitrary or illegally sabotaged.

Article Forty Seven

Homes have sanctuaries. They may not be entered, searched, or violated except by a judicial decision in accordance with law.

Article Forty Eight

The secrecy of postal, telegraphic, and telephonic communications shall be guaranteed, and may not be violated except for legal and security necessities, and proceedings regulated by law.

Article Forty Nine

Citizens are equally entitled by law to perform governmental jobs.

Article Fifty

Employment is a right, duty, and honor for each citizen, needed for the participation in building, protecting, and developing society. The state seeks to provide it within the economic activity sphere. No one shall be forced to work without compensation.

Article Fifty One

The state shall guarantee social and health security for citizens in cases of sickness, old age, or impotence, as regulated by law.

Article Fifty Two

Peaceful assembly and demonstrations are guaranteed in accordance with the requirements of security protection, general system, or protecting others' rights and liberties, and shall be regulated by law.

Article Fifty Three

The freedom of opinion, intellect, and expression through media and cultural means is guaranteed, and the application of these liberties shall be regulated by law.

Article Fifty Four

Freedom of the press, printing, and publication is guaranteed, and the practice of these liberties shall be regulated by law.

Article Fifty Five

Media outlets shall practice their message freely and responsibly in accordance with the constitutional principles in order to express public opinion trends, contribute to media and guidance, maintain freedoms, ensure rights and duties with respect to the duty indicated in **Article Eighty** of the constitution, without targeting the sanctity of the individual's personal lives, and in the framework of the moral foundations on which society and the 17-30 July Revolution principles are based, in addition to the values that were established after the Iran-Iraq War, first of which are martyrdom, redemption and sacrifice.

Article Fifty Six

The formation of political parties and the freedom to join them shall be guaranteed for citizens, and this shall be regulated by law in a way that does not contradict the regulations of the constitution, the general system, and national unity.

Article Fifty Seven

The formation of associations and the freedom to join them shall be guaranteed under the law in a way that does not contradict the regulations of the constitution, the general system, and national unity.

Article Fifty Eight

The establishment of political parties, organizations, and clubs that stand on the basis of embroiling religion with politics, atheism, sectarianism, racism, regionalism or anti-Arabism shall be prohibited.

The prohibition shall also apply to those parties that seek the isolation of Iraq from its natural national statehood in the Arab nation, or those that do not adopt democracy in their doctrine, approach, practices or behaviors.

Parties, organizations and clubs shall adopt an open approach, and shall not use power or violence in their practices.

Article Fifty Nine

Any party other than the Arab Socialist Ba'ath Party shall not be allowed to work, in terms of politics or parties, in the armed forces and internal security forces, or with its members.

Article Sixty

The law shall guarantee the formation of syndicates and unions and the freedom to join them.

Article Sixty One

First: All parties, organizations, syndicates, unions, and clubs shall not be permitted to receive any sort of aid, or any transferred or non-transferred money against law.

Second: The state shall provide the needed reasons for political parties, organizations, syndicates, unions, and clubs to continue their activities in accordance with law.

Article Sixty Two

Freedom of religion and the practice of religious rituals are guaranteed, just as long as it does not contradict the regulations of the constitution and laws, or comes contrary to the general interest, general system and manners.

Article Sixty Three

Each citizen has the right to elect and be elected, take part in referendums and public life, according to law and constitutional regulations.

Article Sixty Four

First: The state protects public health through combating diseases and their causes, and works on providing medical services and its requirements for citizens, in protection, treatment, and medication, according to law.

Second: All government apparatuses and members of the nation shall protect the environment from pollution, and protect nature from damages that might impact its beauty and functions.

Article Sixty Five

The State shall guarantee the right to education for all citizens, and education shall be mandatory in the primary level at least. The State shall combat illiteracy according to law.

Article Sixty Six

First: The State shall guaranty and support scientific research, provide reasons for its progress and development, and encourage excellence, creativity, ingenuity in different intellectual, scientific, and cultural aspects.

Second: The State shall protect the private ownership, and this is regulated by law.

Article Sixty Seven

First: The right for the citizen to travel outside the country or return is guaranteed, and restraining the citizen's location and resident shall not be permitted unless provided by law.

Second: No citizen shall be exiled from his homeland or banned from returning to it.

Article Sixty Eight

Political asylum in Iraq is guaranteed, and any political refugee shall not be extradited. The law shall regulate the conditions of political asylum, and the rights and duties of the political refugee.

Chapter Two **The Judiciary and General Prosecution**

Article Sixty Nine

There is no authority over the Judiciary except that of the law, and interference in the affairs of justice shall not be permitted. The Judiciary has the total freedom to adopt decision in a way through which it can fully perform its judicial duties.

Article Seventy

The President of the Republic shall guarantee the Judiciary is performing its responsibilities according to law, and in achieving justice.

Article Seventy One

The Judiciary shall make sure Justice is achieved by applying the law in a way that suits the core of justice and humane relations in the matters in question.

Article Seventy Two

The Judiciary shall contribute to deepening the economic and social transitions through implementing the law, and this shall comply with the economic, social, and political philosophy of the state.

Article Seventy Three

The reign of the Judiciary shall be implemented on all people, on the natural, moral, public and private aspects, except what has been excluded by law.

Article Seventy Four

The right of litigation is guaranteed for everyone. The law shall clarify the needed procedures to practice this right.

Article Seventy Five

The law shall decide on the way through which the courts are formed, their types, degrees, and competence.

Article Seventy Six

The court hearings are open to public, except if security concerns, a request from the general prosecutor stated otherwise, or in case the court believed the session must be confidential with regard to public order, or maintaining standards of behaviors.

Article Seventy Seven

The Judiciary regulations are issued in the name of the people.

Article Seventy Eight

The establishment and institutions in the Republic of Iraq are obliged to implement all regulations and decisions issued by the Judiciary.

Article Seventy Nine

Special exceptional courts shall not be established except the state security required so, and with a decision from the President of the republic. The work of the court terminates when the case ends, and this is regulated by law.

Article Eighty

The General Prosecution shall represent the society in defending justice and protecting the legitimacy, the public order, state security and its money, and protecting the family, individuals and their liberties.

Fourth Division
The Institutions of the Republic of Iraq
Chapter One
The President of the Republic

Article Eighty One

The President of the Republic is the head of state, and the model of the people and its leader. He is the General Commander of the armed forces, and he secures the protection of the country, guarding the national independence, implementing and respecting the constitution. He shall also ensure the supremacy of law, protection of the national unity, the country's security, and the good performance of the country's executive, legislative, and judiciary institutions.

Article Eighty Two

The people shall elect the President of the Republic through confidential, direct public voting. The law shall regulate the procedures of electing the President of the Republic.

Article Eighty Three

A nominee to the Presidency of the Republic must be:

First: An Iraqi by birth, born to parents who are Iraqi by birth, and with no foreign origin.

Second: Fully qualified and over forty years of age.

Third: Of good reputation, and known for his uprightness, fairness, bravery, wisdom, experience, patience, and loyal services to the homeland and nation.

Fourth:

1- A believer in the principles of the Great (17-30) July Revolution and its objectives. His contributions during the Iran-Iraq war, whether through participating, volunteering, or donating in the fields of work and production, or through his intellectual, literal, mobilization, and political productions, shall be efficient, special, and comply with his capabilities and capacities. He shall be a believer that the Iran-Iraq war has glorified Iraq and the Arab nation, and that it is the only way to protect Iraq and its land, waters, sky, security and sanctities.

2- To be a believer in Socialism, and shall have a socialist and democratic approach.

Article Eighty Four

First: The procedures for the election of the President of the Republic shall begin seventy days before the term of the ruling presidency finishes. The Council of State shall declare the launching date of these procedures. Nominations are presented to the Council within ten days of the launch of procedures. Within twenty days from the final date of presenting nominations, the Council shall announce the names of the nominees, who meet the required conditions. The new President shall be elected no more than ten days before the end of the period designated for the said procedures.

Second: The Council of State shall confirm that the conditions required for the nominees are met, and shall supervise the procedures of electing the President of the Republic, announce the election results, and settle any appeal against the legitimacy of the elections.

For this reason, a committee led by the Head of Council and ten members elected by the council from its own members is formed, to present its adopted recommendations, through agreement or by majority, while referring the counter opinion to the Council to be discussed, settled and announced.

Third: The nominee receiving the absolute majority of votes is the President Elect. In the case when none of the nominees acquired this majority, the election shall be repeated two weeks after announcing the election results of the two nominees that attained the majority of votes in the first elections. The nominee receiving the absolute majority of votes in the second elections is the President Elect.

Fourth: In case nominations led to one nominee, elections are executed, and in case he received the absolute majority of votes from the voters, he than shall be designated as President Elect.

Article Eighty Five

First: The President of the Republic, within one week after announcing the election results, shall take the constitutional oath before the Council of State and the National Council in a joint session under the chairmanship of Head of Council of State, as follows:

"I swear by God Almighty, and by my honor and belief, to preserve the independence and safety of Iraq and the unity of its lands, to preserve the Republic regime, to abide by the principles of the Great 17-30 July Revolution, the constitution, and law, and I shall safeguard the interests of its people, and shall endeavor to protect the people's dignity, pride, happiness, and achieve the objectives of the Arab Nation, in unity, freedom, and socialism."

Second: In the case when one of the aforementioned councils was not present, the President of the Republic shall take the constitutional oath before the present council.

Third: In the case when neither of the aforementioned councils was present, the President of the Republic shall take the constitutional oath before the Council of Ministers.

Article Eighty Six

The Presidential term in office shall be a renewable eight years term. It shall start directly after the elected President of the Republic takes the constitutional oath.

Article Eighty Seven

The President of the Republic is the Head of the executive authority, and fills the position of Prime Minister. The President of the Republic shall take over the executive authority's duties directly, or through the Council of Ministers.

Article Eighty Eight

The President of the Republic shall perform his jurisdictions in issuing orders, decisions, or republican decrees.

Article Eighty Nine

The President of the Republic shall assume the following:

First: To maintain the independence of Iraq, the unity of its lands, and protect its internal and foreign security.

Second: To guarantee the implementation of the constitution, and supervise the well execution of laws and decisions.

Third: To set the general policy of the state, and supervise its implementation.

Fourth: To supervise the well execution of the Judiciary to guarantee the achievement of justice in the society, and the implementation of the judiciary regulations.

Fifth: To safeguard the rights of the citizens and their liberties, and supervise the well performance of their duties.

Article Ninety

First: The President of the Republic shall claim responsibility over the defense affairs, and internal and foreign security.

Second: The President of the Republic shall call for general mobilization, and for the use of armed power when needed, to defend the country and high national and patriotic interests.

Three: The President of the Republic shall settle for a truce.

Fourth: The President of the Republic shall conclude peace pacts, which shall be ratified according to the regulations of article 167 of the constitution.

Article Ninety One

The President of the Republic shall propose draft laws, and shall announce them according to constitutional procedures.

Article Ninety Two

First: The President of the Republic shall appoint one or more deputies. The deputies of the President of the Republic shall take the constitutional oath as stated in **Article (156)**, before the President of the Republic.

Second: The President of the Republic shall decide the domains of his deputies, their duties, and has the right to discharge them from their positions. The deputies shall be directly responsible for their duties before the President.

Third: The regulations of **Article (148)**, and the **(First)** paragraph of **Article (149)** of the constitution are applied on the deputies of the President of the Republic.

Article Ninety Three

The President of the Republic shall appoint the Prime Minister, the deputies of the Prime Minister, and Ministers, and he has the right to discharge them from their positions.

Article Ninety Four

The President of the Republic shall:

First: Appoint and adopt diplomatic representatives

Second: Receive diplomatic representatives

Third: Conduct negotiations, and international pacts and agreements, by virtue of the constitution.

Article Ninety Five

The President of the Republic shall appoint the Judiciary, members of the Prosecution, special degree civilian state employees, the commanders of armed forces, internal security, and foreign security, and has the right to terminate their terms of services by virtue of law.

Article Ninety Six

The President of the Republic grants military degrees, order of merit, medals, and national titles.

Article Ninety Seven

The President of the Republic has the right to ease the execution, imprisonment, and detention sentences, and can issue pardons. The amnesty shall be issued by law.

Article Ninety Eight

The President of the Republic shall conduct a public referendum on law drafts and important cases related to the supreme interests of the country. The result of the referendum with the absolute majority shall be obligatory.

Article Ninety Nine

First: In case of a danger threatening the security, independence, or safety of the country and its national unity, the President of the Republic shall issue, within no more than six months since the eruption of this danger, orders and decisions that have the power of law to prevent this danger. He shall also announce a state of emergency in Iraq or any area within, and this state of emergency shall be regulated by law.

Second: During the time of state of emergency declaration, and within the borders of the area included, it is considered legal, by virtue of a decree issued by the President of the republic, to temporarily suspend the work in the regulations of **Articles 43,47,48,52,53,54,56,57, and 67** of the constitution.

Article One Hundred

In the case of events that require adopting measures that don't bear any delay, other than the cases mentioned in **Article 99** of the constitution, the President of the Republic shall issue decisions that have the power of the law. These decisions shall be presented to the Council of State within sixty days of their issuance, and shall be regulated by the procedures mentioned in the **(Second), (Third), (Fourth), and (Fifth) Paragraphs** of **Article 119** of the constitution.

Article One Hundred and One

In case of an armed conflict, The President of the Republic shall issue what he deems suitable laws, and adopt what he deems suitable decisions and measures to promote the combat capabilities of the country, popular mobilization, and general groups in all military and civil domains.

Article One Hundred and Two

For reasons related to public interest, for humanitarian reasons, or for the purpose of achieving justice and equity, or to tackle special cases that cannot be tackled through applicable laws, regulations, procedures and measures, or to reward creative individuals, and those who present lofty and distinct services, the President of the Republic shall:

First: Issue valid decisions as an exception for the applicable laws, regulations, procedures and measures.

Second: Grant, what he believes is suitable, of grants, aids, monetary or in kind rewards, pieces of land, or residential houses owned by the state.

Article One Hundred and Three

For the purpose of national, patriotic, or humanitarian interests, the President of the Republic shall present grants, aids, cash or in kind rewards, or others, for non-Iraqi states, organizations, and people.

Article One Hundred and Four

During the term of his presidency, the President of the Republic shall not conduct any trade or industrial business, or use state money to buy or sell for trade purposes.

Article One Hundred and Five

First: In case the position of President of the Republic was vacant for any reason, the duties of the President of the Republic shall be temporarily carried out by a Presidency Council, comprising of the Head of the Council of State, Head of the National Council,

and Prime Minister, while still carrying out their original duties. The biggest among them shall be Head of the Presidency Council.

In the case when the President of the Republic is also the Prime Minister, then the senior deputy Prime Minister shall be Acting Prime Minister, and shall be a member of the Presidency Council.

Second: The Presidency Council shall carry out the powers of the President of the Republic, except for what's stated in **Articles 92, 93, 98, 102, 103, and 119**, and the said Council does not have the right to disband the Council of State, or the National Council, or propose a constitutional amendment. The Presidency Council shall also adopt decisions unanimously.

Third: The President of the Republic is elected within no more than seventy days after the date of which the president position is vacant, according to **Article 84** of the constitution.

Article One Hundred and Six

In case the President of the Republic position was vacant for the absence of the Council of State, for any reason, the National Council shall carry out the duties of the Council State stated herein in **Article 84** of the constitution, with regards to the election of the President of the Republic.

Article One Hundred and Seven

During the period when the President of the Republic position is vacant, Iraqi government institutions shall continue their duties according to their domains, and the constitution shall not be amended during that period.

Article One Hundred and Eight

The President of the Republic shall announce his resignation from his position through a written letter addressed to the Council of State or the National Council, or to one of them in case the other was not present.

Chapter Two Consultative Council

Article One Hundred and Nine

The Council of State is the higher committee consulted by the President of the Republic in important political, economic, social, cultural affairs and others, while it is related to maintaining the path of the Great 17-30 July Revolution and its development, and to the causes that affect the country's security, national unity, core interests, public interests, and patriotic causes. The Council carries out the legislation of laws, by virtue of the regulations stated herein in the constitution.

Article One Hundred and Ten

The Council of State shall consist of fifty (**50**) members. The President of the Republic shall appoint twenty five (**25**) of them, while the other twenty five (**25**) are elected through free confidential direct elections, and these elections shall be regulated by law.

Article One Hundred and Eleven

The President of the Republic shall appoint the twenty five (**25**) members of the Council of State after the result of election of other members is announced, in a time stated by law.

Article One Hundred and Twelve

The period of duty in the Council of State is five calendar years that begin with its first meeting and ends with the end of the fifth year. A new Council of State is formed within sixty days after the termination of the aforementioned period.

Article One Hundred and Thirteen

The Council of State is convened by virtue of a Presidential decree, after the formation of the Council in a period of time determined by law.

Article One Hundred and Fourteen

The Council of State has the right to request information, or inquire the Prime Minister, his deputies, and ministers, for what facilitates the practice of the duties stated in the constitution.

Article One Hundred and Fifteen

Any member of the Council of State shall not be pursued or detained for a crime, without the approval of the President of the Republic, except in the cases involving a felony. The permission for the pursuit or detention, by virtue of this **Article**, shall lift all immunities of the member in question.

Article One Hundred and Sixteen

First: The dual holding of the Council of State and the National Council membership shall not be permitted.

Second: The dual holding of the Council of State membership and the position of vice president, or Prime Minister or deputy Prime Minister, or minister, or any other governmental position, shall not be permitted.

Third: The President of the Republic has the right to assign duties to the Council of State members.

Article One Hundred and Seventeen

The President of the Republic has the right to disband the Council of State when necessary. The dissolution decision shall include the reasons behind it. A new Council shall be established by guidelines stated in the constitution, and within no more than ninety days.

Article One Hundred and Eighteen

First: The Council of State shall examine the draft laws addressed by the President of the Republic, outside the time of the National Council sessions, and within a suitable period of time after the date of its arrival to the Head of the Council's office. The President of the Republic requires for it to be examined within a specific period of time.

Second: In case the Council approves the draft law, it refers it to the President of the Republic to announce it.

Third: In case the Council rejects the draft law, or amends it, it must refer it to the President of the Republic and state the reasons behind the rejection or amendment.

Fourth: In case the President of the Republic agreed on the amendment, he then issues the law in its amended form. And in case the President of the Republic insisted on drafting the law in its original form, or didn't accept the rejection, he shall return the draft law to the council to consider its legislation with indicating the reasons.

Fifth: In case the Council approved the draft law in its original form, it refers it to the President of the Republic to issue it. If the Council insisted on its rejection or amendment with a majority of two thirds of the present members, in this case the decision shall be referred to the President of the Republic with indicating the reasons. In this case the

President of the Republic can bar from considering the draft law, issue it in its amended form, or disband the Council.

Article One Hundred and Nineteen

First: In case the Council of State was not present for any reason, and the National Council was not convened, the President of the Republic shall have the right to issue decrees by law, on the condition that they are presented before the Council of State when convened.

Second: If the Council approved the decree, it is therefore considered a valid law.

Third: In case the Council did not approve the decree, it then refers it to the President of the Republic, with reasons behind the rejection. If the President of the Republic does not agree with the decision of the Council, the decree is referred again to the Council for consideration, and the reasons behind it.

Fourth: If the Council agreed to the decree, it is therefore considered a valid law. If the Council insisted on disapproving with a majority of two thirds of the present members, the decision is referred to the President of the Republic with indication to the reasons. The President of the Republic can in this case accept the decision or disband the Council.

Fifth: In cases when the decree is totally disapproved, any retroactive effect shall be eliminated, without prejudice to the rights that were resulted for others.

Article One Hundred and Twenty

The Council of State has two terms to be convened annually, both for eight months decided by its internal system.

Article One Hundred and Twenty One

First: The President of the Republic shall extend the convening term of the Council of State for no more than one month in order to finalize the duties that called for the extension of the term. He shall also call the Council for an exceptional meeting whenever needed.

Second: With the majority approval of its present members, the Council of State has the right to extent the term of its session for no more than one month, in order to finalize the duties that called for the extension of the term.

Chapter Three The National Assembly

Article One Hundred and Twenty Two

The National Assembly shall consist of the elected people's representatives. It shall undertake the duty of legislating laws, and practice censorship over the performance of the ministries as stated in the constitution. Whenever deemed necessary, the President of the Republic shall consult with all, or some, members of the National Assembly regarding any of the state's affairs.

Article One Hundred and Twenty Three

The National Assembly consists of two hundred and fifty (250) members, elected through free, direct, confidential elections according to law.

Article One Hundred and Twenty Four

The term of the National Council is four calendar years, which start with its first meeting, and end with the end of the fourth year. A new council shall be elected within sixty days after the termination of the aforementioned term.

Article One Hundred and Twenty Five

The National Council has two convening terms annually, both for four months, and law shall decide how they would be convened. The convening session discussing the general budget shall not be suspended unless the latter is ratified.

Article One Hundred and Twenty Six

First: The President of the Republic has the right to extend the National Council term session for no more than one month in order to finalize the duties that have required the extension of the term. He also has the authority to call for an exceptional meeting whenever needed. The meeting shall only involve the issues that have necessitated its convention.

Second: With majority approval of its present members, the National Council has the right to extend the term of its session for no more than one month, in order to finalize the duties that called for the extension of the term.

Article One Hundred and Twenty Seven

The National Council is called to convene by virtue of a presidential decree, within no more than fifteen days after announcing the results of the elections.

Article One Hundred and Twenty Eight

First: Any member of the National Council shall not be pursued or detained for a crime outside the framework of the session convened without the approval of the Head of the Council, except in the case when he is involved in a felony.

Second: The permission for the pursuit or detention, by virtue of this Article, shall lift all immunities for the member in question.

Article One Hundred and Twenty Nine

First: The dual holding of the National Council membership and the position of vice president, or Prime Minister or deputy Prime Minister, or minister, or special degree positions, or chairmanship of administrative units, shall not be permitted.

Second: A National Council member shall lose his membership in the council if he was appointed in one of the positions or job aforementioned in the **(First) Paragraph** of this **Article**.

Article One Hundred and Thirty

The President of the Republic has the right to disband the National Council when necessary. The disbandment decision shall include the reasons behind it. A new Council is sought to be established in the guidelines stated in the constitution, and within no more than ninety days.

Article One Hundred and Thirty One

First: The National Council shall examine draft laws suggested by the President of the Republic in a suitable time from the date it arrived to Head of the Council's office, unless the President of the Republic required it examined over a specific period of time.

Second: In case the Council approved the draft law, it is then referred to the Council of State to examine it. In case the Council of State approved it, the draft law is referred to the President of the Republic to announce it.

Third: In case the National Council disapproved the draft law or amended it, the Council referred it to the Council of State to examine it. If the disapproval or amendment was ratified, the draft law is referred to the President of the Republic indicating the reasons behind the disapproval of amendment. In case when the President of the Republic rejects the amendment and insists on the proposed draft law, the Council of State and National

Council shall convene in a joint session, and then the draft law, which receives the majority consent of two thirds of both councils' present members, shall be referred to the President of the Republic to consider its announcement. In this case the President of the Republic shall bar from considering the draft law, issue it in its amended form, or disband both councils, or one of them.

Fourth: In case of a dispute between the National Council and the Council of State over the disapproval or amendment of the draft law, both Councils shall convene in one session, and in this case:

(1) The original draft law, if approved by the majority of both councils' present members, shall be considered final and shall be referred to the President of the Republic to be issued.

(2) The decision to refuse or amend the draft law, which in this case shall be adopted by the majority approval of two thirds of both councils' present members, shall be adopted, and referred to the President of the Republic to examine it.

(3) In the case mentioned in part (2) of this paragraph, the President of the Republic has the right to return the draft law or decision adopted by both Councils to them in the joint session in order to reconsider it by indicating the reasons behind this return. The decision adopted by the majority of two thirds of both convened councils' members, whether in favor of the approval of the draft law, its amendment, or disapproval, shall be referred to the President of the Republic to examine it. In this case the President of the Republic shall bar from considering the draft law, issue it in its amended form, or disband both Councils, or one of them.

Fifth: In case the two-third majority needed to disapprove or amend the draft resolution, as indicated in the **Thirds and Fourth (2) Paragraphs** of this article, was not available, the draft law is therefore referred to vote in its original form. In case it was adopted by its simple majority, it is referred to the President of the Republic to announce it, otherwise it is also referred to the President of the Republic, who in this case has the right to either bar from considering the draft law or disband both councils or one of them.

Sixth: When necessary, the President of the Republic has the right retract the draft law, which he had already referred to the National Council which did not examine it during its convening session to which the draft law was referred to, and give it to the Council of State to consider its legislation.

Article One Hundred and Thirty Two

First: The National Council shall examine draft laws presented by thirty members of its council.

Second: In case the Council disapproved the draft law, it is then considered a final disapproval, and in this case the same draft law shall not be permitted to be proposed again in the same annual term sessions.

Third: In case the Council approved the draft law, it is then referred to the Council of State to examine it. And if the Council of State approved it, the draft law is then referred to the President of the Republic.

The President of the Republic shall issue the draft law or return it to the council in a joint meeting, indicating the reasons behind the return. The draft law that receives the approval the two-third majority of the both convened councils' members shall be referred to the President of the Republic to consider its issuance. The President of the Republic in this case shall either issue the draft law or disband both councils or one of them.

Fourth: In case the Council of State disapproved the draft law or amended it, both Councils shall convene in a joint session, and in this case:

(1) The draft law decided by the two-third majority approval of both councils' members shall be considered approved, whether in its original or amended form, and it shall be referred to the President of the Republic to consider its issuance.

(2) The decision adopted by the two-third majority approval of both convening councils' members, to disapprove the issuance of the draft law, is considered final.

(3) The President of the Republic, in the case stated in part (1) of this paragraph, has the right to return the draft law to the councils in a joint session in order to reconsider it and state the reasons behind this return. The decision adopted by the majority of two thirds of both councils' convening members, whether it was approved or amended, shall be referred to the President of the Republic to examine it. The President of the Republic in this case shall either issue the draft law or disband one of the councils or both of them.

Fifth: In case the two-third majority needed to approve the draft resolution in the joint session, as indicated in the **Thirds and Fourth (1) Paragraphs** of this article, the draft law is cancelled.

Sixth: The members of the National Council shall not present any draft laws related to matters of defence, security, and the amendment of the constitution, amendment of the President's powers, and amendment of the National Council law.

Article One Hundred and Thirty Three

With the proposal of twenty members of the National Council members, the consent of the Council, and the permission of the President of the Republic, the inquiry of the Prime Minister regarding any issue or concern related to his duties, other than those of the defense and security affairs, shall be permitted.

Article One Hundred and Thirty Four

In case the National Council was not convinced with the Prime Minister's clarifications, the National Council therefore, and based on the request of thirty of its members with the consent of the Council and the permission of the President of the Republic, has the right to question the Prime Minister, through the Head of the National Council, through which the negligence and failure associated with the Prime Minister are presented. The discussion shall then take place at least seven days after the Prime Minister is informed of the inquest.

Article One Hundred and Thirty Five

If through the results of the inquest there appeared for the National Council to be negligence and failure on the Prime Minister's part in performing his duties, then by the two-third majority of its members, the Council shall submit a recommendation to the President of the Republic proposing to discharge the Prime Minister from his position. The President of the Republic can discharge the Prime Minister or request a discussion of the recommendation in a joint session between the Council of State and National Council. In case both councils approved, with the two-third majority of their members, the recommendation to discharge, the decision is then referred to the President of the Republic. The President in this case shall either discharge the Prime Minister or disband one of the Councils or one of them.

Article One Hundred and Thirty Six

With the suggestion of fifteen members of the National Council, and its consent, the inquiry of one of the Council of Ministers' members regarding any decision or stance adopted by his ministry in specific matters other than those of the defense and security affairs, shall be permitted.

Article One Hundred and Thirty Seven

In case the National Council was not convinced with the clarifications of the Council of Ministers' member, the National Council therefore, and based on the request of twenty five of its members with the consent of the Council and the permission of the President of the Republic, has the right to inquest the member in question through the Head of the National Council, to address any act, decision, stance, negligence or failure designated to his ministry. The discussion with the minister shall then take place at least seven days after he is informed of the inquest.

Article One Hundred and Thirty Eight

If through the results of the inquest there appeared for the National Council to be negligence and failure in performing duties on the council of ministers' member's part, then by the two-third majority of its members, the Council shall refer a recommendation to the President of the Republic, proposing the discharge of the member from his position. The President of the Republic can discharge the member of the council of ministers, or refer the recommendation to the Council of State to discuss. In case the Council approved, the council of Ministers' member shall be discharged from his position, and if it wasn't approved, then the recommendation is canceled.

Article One Hundred and Thirty Nine

The National Council has the right to form investigative committees from its own members, in order to investigate in case there was any breach that required so in the state departments.

Chapter Four The Council of Ministers

Article One Hundred and Forty

The Council of Ministers is the executive board of the state's general policies stated by the President of the Republic. It consists of the Prime Minister, his deputies, and ministers, who are directly responsible, before the President of the Republic, of performing their duties.

Article One Hundred and Forty One

Before they commence their duties, the Prime Minister, his deputies, and ministers, shall take the constitutional oath, stated in **Article (156)** of the constitution, before the President of the Republic.

Article One Hundred and Forty Two

The Council of Ministers shall exercise the following powers:

First: To prepare draft laws and refer them to the President of the Republic to look into its legislation according to the regulations of law.

Second: To prepare and issue draft regulations.

Third: To follow up the execution of legislations, and issue decisions necessary for its implementation.

Fourth: To supervise the legitimacy of the procedures issued by the specialized minister, in order to facilitate the implementation of laws and regulations.

Article One Hundred and Forty Three

First: The Council of Ministers shall prepare the draft of the general budget, and the development plans.

Second: The Council of State and the National Council shall decide, in a joint session, the general budget and development plans, with the exception of some aspects which the President of the Republic decides not to discuss.

Third: When necessary, the amendment of the balanced accounts in the aspects of the General budget and the development plan during the fiscal year, by virtue of the President of the Republic's decision, or that of the Council of Minister, with the consent of the President of the Republic, shall be permitted.

Fourth: The Council of Ministers follows up the well execution of the general budget and the development plans.

Article One Hundred and Forty Four

First: The Council of Ministers shall conclude loan agreements with the approval of the President of the Republic.

Second: The Council of Ministers shall supervise foreign relations, economic and financial affairs, according to instructions from the President of the Republic.

Article One Hundred and Forty Five

The Council of Ministers shall appoint general directors from those who don't have a special degree, and those of the same degree, in the state departments and socialist sector, and as heads of administrative units, with the exception of preservatives.

Article One Hundred and Forty Six

The Prime Minister shall head the Council of Ministers' meetings. The President of the Republic has the right to head the meetings of the Council of Ministers whenever he believes he should.

Article One Hundred and Forty Seven

The Prime Minister shall address the ministers, follow up with the well performance of the ministries, and coordinate among them.

Article One Hundred and Forty Eight

During the time in office, the Prime Minister, or anyone of his deputies or ministers, shall not conduct any trade or industrial business, or use the state money to buy or rent for trade purposes, lend or sell something from its money, or conduct an agreement with the state as a supplier or contractor.

Article One Hundred and Forty Nine

First: The Prime Minister, his deputies, and the ministers shall present their discharge request to the President of the Republic.

Second: The discharge of the Prime Minister from his position does not lead to the discharge of his deputies and ministers from their positions.

Article One Hundred and Fifty

The meetings of the Council of Ministers and its discussions are confidential, and the Council's decisions are announced, published and notified through ways decided by the Council.

Article One Hundred and Fifty One

The Council of Ministers' duties and rules of procedures shall be organized by laws.

Chapter Five

Mutual Provisions

Article One Hundred and Fifty Two

The Vice President of the Republic, Council of State members, National Council members, and those elected in the positions of Prime Minister, his deputies or ministers shall be:

First: Iraqi by birth to parents who are Iraqi by birth and have no foreign origin. Or Iraqi by birth to an Iraqi father of a foreign origin and an Arab mother from an Arab country. Or Iraqi by birth to Arab parents who attained the Iraqi citizenship before his birth.

Second: Legally competent.

Third:

1- A believer in the principles of the Great (17-30) July Revolution and its objectives. His contributions during the Iran-Iraq war, whether through participating, volunteering, or donating in the fields of work and production, or through his intellectual, literal, mobilization, and political productions, shall be efficient, special, and comply with his capabilities and capacities. He shall be a believer that the Iran-Iraq war has glorified Iraq and the Arab nation, and that it is the only way to protect Iraq and its land, waters, sky, security and sanctities.

2- To be a believer in Socialism, and shall have a socialist approach.

Fourth:

1- Finished his military duty or was exempted.

2- Didn't commit the crime of fleeing the military duty.

Fifth:

1- Was not charged for conspiracy crime against the Great 17-30 July Revolution, or against its ruling regime, or to try to topple that regime or contact foreign parties.

2- Was not convicted for an immoral crime, or for the crime of deliberate murder.

Sixth: Has educational and cultural qualifications that enable him to perform his duties according to what is decided by law.

Seventh: The member shall be:

1- At least forty years of age for the Council of State members.

2- At least twenty five years of age for the National Council members.

3- At least thirty years of age for the positions of Vice President, Prime Minister, Deputy Prime Minister, or any minister.

Article One Hundred and Fifty Three

When they commence their work in their positions, and at the end of their duties, the Vice President, Council of State members, National Council members, the Prime Minister, his deputies and ministers, shall present the President of the Republic with a report that indicated their financial status, including a statement of account of their movable and immovable money and their sources.

Article One Hundred and Fifty Four

Each member of the Council of State and National Council represents the people of Iraq.

Article One Hundred and Fifty Five

Convening each of the Council of State and the National Council shall not be regarded as right unless the two-thirds of its total members were present, and decisions are adopted by

the absolute majority of the convening members, in cases other than those that require a special majority as stated in this constitution. This article shall be implemented on the joint meeting of both Councils.

Article One Hundred and Fifty Six

Each of the Council of State and the National Council shall convene their first session with the chairmanship of the oldest member. Before the Council, each member of the Councils' members shall take the following constitutional oath:

"I swear by God Almighty, and by my honor and belief, to preserve the Republic regime, and to abide by the constitution and laws, and I shall safeguard the interests of the people, and shall ensure the country's independence, safety, and the unity of the Iraqi lands, and I shall preserve the principles of the Great 17-30 July Revolution, and endeavor to achieve the people's objectives of unity, freedom, and socialism."

Article One Hundred and Fifty Seven

During their first session, each council; the Council of State and the National Council, shall elect a chairman, and deputy chairman, and a council secretary, by means of confidential voting.

Article One Hundred and Fifty Eight

First: The session of the Council of State and the National Council are public, and they can be confidential according to a decision by the President of the Republic, or the head of council, or according to a request by ten members, along with the consent of the council. The Prime Minister or one of the ministers shall be allowed to be requested after the President of the Republic's permission.

Second: The joint session of both councils shall be public, and it can be confidential according to a decision by the President of the Republic, or the head of the Council of State, or according to a request by twenty members of both Councils with the consent of the joint session.

Article One Hundred and Fifty Nine

The Council of State and the National Council shall convene in Baghdad, however, when necessary, they main convene in another area in Iraq, by a decision from the President of the Republic.

Article One Hundred and Sixty

First: The members of the Council of State and the National council shall not be asked about their opinions and their proposals and what they provide in relation to the subject, and each member has the total freedom to speak within the limits of the internal order of the Council during his term of duty.

Second: The members of the Council of State and the National council, when practicing their right to speak and present facts while performing their tasks, shall be accurate, present the truth and not offend it, shall abide by the general order, morals, public interests, rules of conduct and morals, and in a way that does not include personal slander or false accusation.

Article One Hundred and Sixty One

Each of the Council of State and the National Council shall decide the authenticity of their members' memberships, according to the internal order, and with what ensures the availability of constitutional and legal conditions. The membership is annulled with a two-third majority vote of the council's members.

Article One Hundred and Sixty Two

During the time of membership, the Council of State and National Council members, shall not use the state money to buy or rent for trade purposes, lend or sell something from its money, or conduct an agreement with the state as a supplier or contractor.

Article One Hundred and Sixty Three

The Prime Minister, his deputies and ministers, with the permission of the President of the Republic, have the right to attend the Council of State or the National Council and speak during their sessions, and they have the right to get help from whomever they need among their subordinate employees.

Article One Hundred and Sixty Four

The Council of State or National Council member shall present his resignation to the Head of council, and it enters into force the day it is notified.

Article One Hundred and Sixty Five

The duties of the Council of State and National Council, and their rules of procedure, its members' services' affairs, their rewards, specialties, the budget of each member and their committees shall be regulated by law.

Article One Hundred and Sixty Six

The Head of the Council of State shall claim the chairmanship of the Council of State and the National Council, each time both convened in a joint session, according to the regulations of the constitution.

Fifth Division**International Pacts and Agreements****Article One Hundred and Sixty Seven**

International pacts and agreements are ratified and joined by a law issued by the Council of State and the National Council, or by one of them in case the other wasn't present, by a two-third majority vote of each council's members, in case its regulations including one of the following issues:

1. The borders and regional sovereignty
2. Conciliation and Peace
3. Forming or joining international organizations.

Article One Hundred and Sixty Eight

The ratification of international pacts and agreements and joining them, in a way other than those mentioned in **Article 167** of this constitution, shall be through a law issued by the Council of State.

Article One Hundred and Sixty Nine

Other agreements, which are not included in the regulations of **Articles 167 and 168** of this constitution, shall be subject to the approval of the Council of Ministers, and the ratification of the President of the Republic.

Sixth Division**Constitutional Amendments****Article One Hundred and Seventy**

First: Both the President of the Republic and the Council of State, have the right to amend an article or more of the constitution's articles, with indicating the reasons behind this amendment.

Second: The proposal to amend the constitution shall be presented by the Council of State, with the request of at least twenty of its members.

Article One Hundred and Seventy One

First: The Council of State shall discuss the constitutional amendment proposal presented by the President of the Republic. In case the Council approved the amendment, it then refers it to the President of the Republic to present it in a referendum.

Second: The Council of State shall discuss the constitutional amendment proposal presented in the council. In case the council approved the amendment, it is referred to the President of the Republic who, in case approves it, shall present it in a referendum.

Third: In case the President of the Republic and the Council of State failed to reach an agreement on any constitutional amendment plan, the President of the Republic called for a joined meeting between the Council of State and National Council to be convened in order to examine the amendment plans. In case both councils approved, with a two-third majority of its members, the President of the Republic shall therefore present it in a referendum.

In case the draft constitutional amendment did not receive the two-third majority, then it is barred from consideration.

Fourth: The President of the Republic shall announce the text of the constitutional amendment, if it were to be amended by the consent of the people through the referendum.

Article One Hundred and Seventy Two

Any proposal to amend the constitution, and which will cause damage to the unity of Iraq, its republican regime, its Arab origin, or which will aim at changing the official religion, the national holiday, or the constitutional oath text, shall not be permitted.

Seventh Division Transitional Provisions

Article One Hundred and Seventy Three

The Head of the Revolution Leadership Council, and the Revolution Leadership Council, shall continue carrying out their specialties and powers as stated in the July 16, 1970 constitution, until the elected President of the Republic takes up the duties of his position. The Revolution Leadership Council shall be considered disbanded from the date on which the elected President of the Republic commences the aforementioned duties.

Article One Hundred and Seventy Four

The President of the Republic is elected according to the regulations of this constitution, within sixty days after it enters into force. He shall take the constitutional oath, stated in **Article 85** of the constitution, before the Revolution Leadership Council, and the National Council.

Article One Hundred and Seventy Five

First: For the first time after this constitution enters into force, the election of the President of the Republic shall be supervised by a committee led by head of the National Council, and membership of the Head of the supreme court, in addition to ten members from the National Council elected by the Council, and ten other members that consist of the senior

judges of the supreme court. The committee accepts nominations, and monitors the elections, and announces the results by virtue of the regulations of **Article 84** of this constitution, and its decisions shall be final.

Second: The committee has the right to specify the areas and electoral centers within the administrative units on practical basis, and with the help of specialized administrative apparatuses. It also has the right to issue the needed instructions to organize and facilitate the elections.

Article One Hundred and Seventy Six

The procedures to elect a National Council shall first be implemented after this constitution enters into force by virtue of the regulations of the National Council law number fifty five (**55**) of the year 1980, which is amended with what complies with the regulations of the constitution.

Eighth Division Final Provisions

Article One Hundred and Seventy Seven

First: The decision of the Revolution Leadership Council, which has a valid legal power, shall remain, and shall not be terminated or amended except by a decision by the President of the Republic.

Second: The legislative regulations, which have been valid before working under the provisions of this constitution, shall remain valid, except in the case when it is terminated, amended, according to the rules and procedures stated herein in this constitution.

Article One Hundred and Seventy Eight

The Supreme Court shall supervise the authenticity of the procedures underwent in any referendum carried out according to the regulations of the constitution, and it shall announce its results.

Article One Hundred and Seventy Nine

The regulations of this constitution shall enter into force after the people approve of it in the referendum, and after publishing it in the official gazette within no more than fifteen days after announcing the results of the referendum.